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House of Representatives

The House met at 10 a.m.

The Reverend Johann Arnold, Church Communities International, Rifton, New York, offered the following prayer:

Lord, we thank Thee for another day and for another chance to serve Thee and our beloved Nation.

Before Thee we are like little children who do not know how to carry out our duties. Therefore, we ask, like King Solomon, not for long life, not for wealth for ourselves, not for the death of our enemies, but for discernment to administer justice and to distinguish between right and wrong. Let us together heed the words of the Apostle John: ''If we love one another, God dwelleth in us.'' Let us hope that this spirit will become the order of the day right here in Washington.

We pray for our President, for our Madam Speaker, and for all our brothers and sisters in the House and in the Senate, for our servicemen and -women and their families. We pray for our beloved Nation. May it always be under the rulership of God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HINCHEY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HINCHEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. KLEIN) come forward and lead the House in the Pledge of Allegiance.

Mr. KLEIN of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The message also announced that pursuant to section 276n of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Chairman of the United States-China Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Hawaii (Mr. INOUYE).

The message also announced that pursuant to section 276n of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Vice Chairman of the United States-China Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Alaska (Mr. STEVENS).

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Minnesota (Ms. KLOBUCHAR).

WELCOMING REVEREND JOHANN CHRISTOPH ARNOLD

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Madam Speaker, it is my great pleasure and honor to introduce a dear friend of mine and a very respected member of our community, Johann Christoph Arnold, for his opening prayer as the guest chaplain of the House of Representatives today.

Pastor Johann Christoph Arnold and his wife, Verena, are senior pastors of Church Communities International, an international movement that is dedicated to peace around the world. They work very diligently and very effectively with families, with individuals, with veterans, and a host of other people to bring them the kind of counseling and conciliation they need in many communities.

Pastor Arnold and his wife, Verena, are the parents of eight children and 34 grandchildren. For over 35 years as family counselors, they have advised thousands of couples in our community and in many other places here in the United States and around the world. People have come to expect sound advice from this award-winning author, whose books have sold over 350,000 copies in English and have been translated into 19 other languages.

It is a great pleasure and an honor to have Johann Christoph Arnold, his wife, Verena, and other members of

their community here with us this morning; and I thank him very much for his opening prayer.

OPPOSING THE IRAQ FUNDING BILL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. At present, Congress has before it, for consideration in committee, an Iraq funding bill which will keep the war going perhaps through the end of President Bush's term. It would order the privatization of Iraq's oil and open the door for the President to order an attack on Iran without congressional authorization.

Democrats were brought to power not to spread war, but to stop it. The administration took us into war for oil. We should not be confirming that purpose by promoting privatization in the Iraq funding bill.

The President desires to attack Iran without Congress asserting its constitutional authority. We should be asserting our constitutional authority to restrain another administration abuse of power.

DEMOCRATIC PLAN FOR IRAQ IS RECIPE FOR FAILURE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Friday's The Post and Courier of Charleston, South Carolina, detailed the dire consequences of setting artificial timelines for withdrawal from Iraq. The editorial states that it would be tragic if the rug should be pulled from under U.S. forces by the U.S. Congress.

The political message coming from House Democrats threatens to throw efforts to stabilize Iraq off balance. As The Post and Courier, where I was a former reporter, concludes, General Petraeus should be given the time and forces he needs to succeed, and not a legislative recipe for failure. Democrats and Republicans should be united to remember that al Qaeda spokesman for Osama bin Laden, Zawahiri, has clearly identified that Iraq and Afghanistan are the central fronts in the global war on terrorism. Bin Laden has specifically stated, ''The most serious issue today for the whole world is this Third World War that is raging in Iraq.''

In conclusion, God bless our troops, and we will never forget September 11.

SUBPRIME LENDING

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, in the last 2 weeks, we have seen a tsunami of foreclosures and turmoil in the subprime markets. The Federal regulators' recent joint guidance to stop issuance of loans that borrowers can't repay in full is a good first step, but lenders won't make bad loans if no one will buy them. The secondary market must stop buying the loans causing this crisis.

Freddie Mac did this voluntarily, and I am introducing legislation to require all the housing GSEs to do the same. In the interim, I call on Fannie Mae and the Federal Home Loan Banks to follow Freddie Mac and stop buying these risky loans. Both Congress and the GSEs must act to protect homeowners and stabilize the system.

BUILDING A STRONG WORKFORCE BY IMPROVING MENTAL HEALTH TREATMENT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Employers spend over $26 billion per year in direct medical costs to treat depression. But the indirect costs, including lost productivity and absenteeism, increased spending by some $51.5 billion per year, but appropriate treatment for depression reduces health care costs for businesses.

The National Institutes of Mental Health reported depression treatments reduce absenteeism and save money. Plans for Federal employees where mental health coverage is included in their health care plan also saves money.

Employers and Members of Congress should review the benefits of mental health insurance coverage and note that coverage of mental health treatment can also significantly reduce public health care spending on Medicare, Medicaid and our criminal justice programs.

I would urge all my colleagues to review how businesses and the Federal Government can save money on this by reviewing my Web site at murphy.house.gov. And remember, patient-centered health care saves lives and money by emphasizing patient safety, patient quality and patient choice.

DANIA BEACH/SOLAR ENERGY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. I am RON KLEIN, and I represent Florida's 22nd Congressional District in south Florida.

Today, I am honoring the city of Dania Beach, a community in southeast Florida, for investing in a $1 million solar energy system to power the city's streetlights. Not only is this an innovative and environmentally sound decision made by the city of Dania Beach, but it is also a decision that will strengthen the safety of the community.

After Hurricane Wilma struck, Dania Beach could not restore its power and the pole damage quickly enough, leaving the city streets without lighting for a lengthy period of time. With the new solar panels, the streetlights will not be dependent on electricity, and the panels will be mounted to withstand even the most fierce hurricane winds.

I applaud this sort of ground-breaking, innovative way of thinking. Alternative energy sources are the way of the future. If more communities around the country would follow Dania Beach's lead, we would leave our environment in a much better condition for our children and our grandchildren.

CAIR MEETING

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, House Democrats and the Speaker of the House arranged for a conference room in the Capitol to be used by the Council on American-Islamic Relations, or CAIR, an Islamic advocacy group which refuses to disavow terrorist groups like Hamas and Hezbollah.

CAIR officials have been charged with, and some convicted of, offenses related to the support of terrorism, including a CAIR fundraiser, Rabih Haddad, as well as a founding board member and a former CAIR civil rights coordinator.

Most notably, the CAIR fund-raiser Haddad was deported to Lebanon in 2003 after being arrested in a raid on an Islamic charity that Federal officials said, ''provided assistance to Osama bin Laden and the al Qaeda network and other known terrorist groups.''

Apparently, the Democrats live in some parallel universe where it is okay to set up a meeting in the Capitol for a group with known terrorist ties. The American people must ask about this colossal failure of judgment. With friends like these, imagine our enemies.

CONGRESS CANNOT AFFORD TO GIVE THE PRESIDENT ANOTHER BLANK CHECK ON IRAQ WAR

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Mr. Speaker.

After 4 years, billions of dollars and thousands of lives, President Bush is once again asking Congress to reward failure with a blank check for the war in Iraq. Many of my Republican colleagues are more than willing to give the President anything he wants, but Democrats refuse to be a rubber stamp for the President's failed policies and, instead, want to finally require Iraqis to take control of their country. And yet the President has threatened to

veto legislation that contains his own benchmarks for success in Iraq, ensures our troops have the training they need, and fully supports both our veterans and our soldiers wounded in combat.

Our legislation also commits additional funding to fighting the forgotten war in Afghanistan. Over the last 4 years, the Bush administration has redirected funds and troops away from Afghanistan, forgetting that al Qaeda and the Taliban were the ones that attacked our Nation in 2001.

Mr. Speaker, Democrats will not allow President Bush to continue to pursue these failed policies. We will insist on a new direction.

BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the U.S. has been calling for prompt action at the U.N. Security Council to address the ongoing humanitarian crisis in Burma. Unfortunately, other member nations have been slow to take up the call. One European nation even suggested recently that the world should wait for the situation in Burma to become urgent and acute before we take action.

Mr. Speaker, Burma reportedly has close to a million IDPs, internally displaced people. Isn't that urgent? Over 3,000 villages have been brutally destroyed by the military dictatorship. Isn't that an acute situation? The latest story out of Burma tells of four teenage girls brutally raped and then thrown into prison by the military rulers, more evidence of their systematic sexual violence there. Isn't that an urgent problem?

Mr. Speaker, there has been enough talk and enough delay. It is time for the world to take action and end the humanitarian crisis in Burma.

CONGRATULATING MANCHESTER WEST HIGH SCHOOL

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, I come to the floor today to congratulate Manchester West High School in Manchester, New Hampshire, and Region 14 Applied Technology Center team from Peterborough, New Hampshire, on their victory at the regional FIRST Robotics Competition this past week in Manchester. FIRST is an acronym for For Inspiration and Recognition of Science and Technology.

This remarkable program was developed in New Hampshire and has now spread to 1,500 high schools nationwide. It encourages young people to become actively involved with engineering and technology. FIRST brings innovative companies together with kids, teaching and inspiring them to pursue careers in advanced science. The brilliant students who participate actually build robots and then enter the robots in a series of competitions against the creations of other teams.

I salute the creativity and technological savvy of the winning teams. Congratulations to Manchester West and the Region 14 team and to FIRST on its aspirational mission. FIRST is helping inspire the next generation of technology innovators which our country depends on to remain competitive in our global economy.

□ 1015

IN MEMORY OF THE SEVEN OHIOANS WHO PERISHED IN GEORGIA BUS ACCIDENT

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, I rise in solemn remembrance of seven Ohioans whose lives were cut short by a tragic bus accident on the morning of Friday, March 2, 2007, in Atlanta, Georgia. Though words cannot express the depth of their loss, we honor their memory and offer our condolences to their families, friends, teammates, and classmates of these seven individuals:

David Betts of Bryan, Ohio
Scott Harmon of Elida, Ohio
Cody Holp of Arcanum, Ohio
Jerry and Jean Niemeyer of Columbus Grove, Ohio
Tyler Williams of Lima, Ohio, and
Zack Arend of Oakwood, Ohio.

In the midst of this tragedy, I was heartened to see the selfless way these families and communities pulled together to support each other in a time of need. It reminds me of what is special about America.

I was also humbled by the outpouring of kindness from concerned families in Georgia and around the country. Just minutes after the accident, complete strangers were opening their homes to our families and offering their condolences and prayers.

While we grieve their passing, we know that they will live forever in the hearts of their loved ones and will eternally be remembered by the Bluffton University family and the people of Bluffton, Allen County and west central Ohio.

MEDICARE

(Ms. CASTOR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR. Mr. Speaker, access to the highest quality health care for our seniors under Medicare is one of the most important issues facing this Congress. Unfortunately, the Bush White House has sought to undermine the great Medicare safety net by privatizing a great deal of health care under the Medicare system, turning it over to HMOs.

Just last week the former director of the Centers for Medicare and Medicaid Services from 2001 to 2003 spoke at a conference in Tampa and a reporter caught him on record saying that this privatization effort ''was done to prime the pump and to get people to go back to HMOs. But it's a much bigger subsidy than we intended.''

You see, these private plans receive about 11 percent more per beneficiary than the government spends in original Medicare. And this director said that he had meant for the subsidy to be about half that.

Mr. Speaker, we have a lot of work to do to stand up for our seniors and ensure the Medicare safety net works for everyone.

WAR SUPPLEMENTAL CONTAINS GOODIES

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. There is talk that the $100 billion war supplemental will include an extra $20 billion in goodies. Such projects are seemingly irrelevant to the mission our soldiers are expected to carry out. For example:

$60 million for the California and Oregon salmon fishery disaster of '06;

$400 million for timber revenue program in Oregon;

$400 million in low-income home energy assistance for State grants;

$448 million unrequested funds for State children's health insurance programs, and;

a half a billion dollars for wildfire management and suppression.

Now, these are valuable projects, but they don't belong in an emergency war supplemental. They appear to be nothing more than an attempt to buy votes at the expense of our soldiers in the war on terror. The supplemental is meant to be an emergency troop funding vehicle and there is no excuse for $20 billion worth of pork in that supplemental.

Let this Congress respect our soldiers and deny this pork.

KOSOVO

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, today I rise to express my deep concern over the recent Department of Defense proposal to remove combat status from American soldiers serving in Kosovo. This summer, roughly 400 Minnesota National Guard soldiers who serve in my district will once again answer the call to duty in Kosovo. Almost every one of these 400 soldiers from my district will be going for the second or third time since September 11. In addition to the financial hardship these soldiers and their families will endure, the Department of Defense is asking them to suffer further by reclassifying this mission. Reclassification will cost American soldiers more than

just the $225 a month in hazardous duty pay, the payroll tax exemption and the flights home to see their families. We will all pay for this with the loss of morale.

Kosovo suffers from ethnic unrest. The country has unexploded ordnance and American soldiers work to defuse these daily. Mr. Speaker, Kosovo is still a dangerous place. It's revealing that the State Department's assessment is different than the Department of Defense. Foreign service officers receive hazardous duty pay.

Ensuring that this mission remains classified as a combat mission is more than about $225 a month to soldiers. It's about doing right for those who risk their lives in defense of this Nation.

''WHO GETS THE WORKER?''

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, while the flow of illegals continues to storm across our southern border, much to the joy of those who want cheap plantation labor, Mexico now wants to keep some of its workers home. President Calderon wants the United States to invest in Mexico and use Mexican workers.

Well, what does that really mean? Does that mean more U.S. foreign aid? Or have U.S. companies expand to Mexico and use those Mexican workers? Either way, Calderon expects the United States to solve his problem. Mexico alone cannot or will not take care of its economic problems, thus making their problem our problem.

Currently, Mexico exports its people to the United States to work and then have them send money back to Mexico. Mr. Speaker, if the United States invests in Mexico and more Mexican workers stay home, is there going to be a cross-border conflict over who gets the worker?

It would be ironic indeed to see the pro-amnesty cheap labor crowd in the United States encouraging illegal entry while the Mexican Government tells workers to stay home and take new jobs provided by U.S. investment.

And that's just the way it is.

BUSH ADMINISTRATION IS PLAYING POLITICS WITH U.S. ATTORNEYS OFFICE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, every day the Bush White House is losing more credibility with the American people and with the Congress. Late last year the Justice Department fired eight U.S. Attorneys for purely political reasons. Last week, Attorney General Gonzales came to Capitol Hill and swore that the terminations had nothing to do with politics. But then 2 days ago we learned that these decisions were not made exclusively by the Justice Department. The political purge reached the highest levels at the White House and was actually prompted by President Bush. So much for no political involvement from the White House.

Mr. Speaker, this information would have never come out if the new Democratic Congress did not take its oversight responsibility seriously. U.S. Attorneys should be free of political pressure and that is simply not the case with the Bush White House.

We will continue to demand answers from an administration that is not too interested in working with Congress. It would be nice if they would finally learn their lesson and realize that it is time to level with both the Congress and the American people.

□ 1030

GOVERNMENT'S OBLIGATION TO AMERICA'S HEROES

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to address Walter Reed and this government's obligation to America's heroes.

On Monday, I toured Walter Reed. My first impression is that one visit is not enough. I will make several more trips to the facility to speak with patients and staff about what they need and how we can best address this unacceptable situation.

Mr. Speaker, our Nation's finest deserve the finest medical care, plain and simple. This Friday, I will continue my tour of local VA facilities when I visit the James A. Haley VA Hospital in Tampa. This is one of the largest VA facilities in the country, and serves many veterans in my district.

Mr. Speaker, this is not a Democrat or Republican problem, this is America's problem and it requires a bipartisan solution. I urge my colleagues to work together to quickly address and resolve this situation.

God bless our troops and veterans. They truly are America's heroes.

WHITE HOUSE PLAYING POLITICS

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, after weeks of denial from both the White House and the Department of Justice that politics played no part in the firing of eight U.S. Attorneys, the Attorney General finally admitted yesterday that there is more to the story.

It was an embarrassing and disturbing set of e-mails between the White House's political operatives and Gonzales's chief of staff that clearly revealed that there were political concerns involved in the political purge, or firing. The chief of staff resigned after e-mails were released to the New York Times and the Washington Post, but questions still remain unanswered.

What about those at the top? Is it plausible that the Attorney General was unaware of the actions of his own chief of staff? When is the President going to hold members of his Cabinet accountable for misdeeds and mistakes?

The Attorney General's office is supposed to be above politics. An independent judiciary is one of the hallmarks of this great democracy which we, as Americans, promote around the world. There is simply no place for politics at the Justice Department. But sadly, it appears that the Justice Department has become a pawn of the Republican Party.

CONGRATULATING CHANDLER AND HIGHLAND CHOIRS

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to congratulate two outstanding high school choirs from my district, the Chandler High School Chorale and the Highland High School Concert Choir. These groups were selected by competitive audition out of dozens of high schools across the country to perform on March 19, 2007, at New York's famed Carnegie Hall.

The Chandler High School Chorale from Chandler, Arizona, has already distinguished itself as one of the top high school choirs in the Nation. Led by Dean Anderson, the chorale has performed across the country and around the world over the past two decades. This is the choir's second performance in the Carnegie Hall National High School Choral Festival, a singular achievement in the festival's history.

The Highland High School Concert Choir of Gilbert, Arizona, has also secured a spot in the festival. Led by Rita Scholz, the concert choir has performed in the Arizona ACDA conference, the Arizona Music Educators Association Conference, and the 1998 MENC National Convention. The Highland High School choral music program consists of 170 students in five performing ensembles, presenting four concerts on campus per year, as well as other performances around the country.

I am honored to have two of the four schools in the Nation chosen from my district.

HALLIBURTON SLAPS TAXPAYERS IN FACE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Halliburton has decided to move its headquarters to Dubai. This is a company that has received over $25 billion worth

of contracts in Iraq, and this is the kind of thanks the U.S. taxpayers get. In fact, this is a real slap in the face of the U.S. taxpayers.

The ABC National News reported Sunday night that Halliburton has been charged by government inspectors of overcharging our government and overcharging our taxpayers to the tune of $2.7 billion. No company that commits those types of overcharges should ever get a Federal contract again. In fact, in my opinion, the U.S. Government should not give a contract to any company that cannot certify that over half of its employees are U.S. citizens.

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore (Mr. CARDOZA). Pursuant to section 2 of House Resolution 24, 110th Congress, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the House Democracy Assistance Commission:

Mr. PRICE, North Carolina, Chairman
Mrs. CAPPS, California
Mr. HOLT, New Jersey
Mr. SCHIFF, California
Ms. SCHWARTZ, Pennsylvania
Mr. PAYNE, New Jersey
Mr. POMEROY, North Dakota
Mr. FARR, California
Mr. SALAZAR, Colorado
Mr. ELLISON, Minnesota
Ms. HIRONO, Hawaii

COMMUNICATION FROM HON. JOHN BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007

Hon. NANCY PELOSI,
Speaker, H–232, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 2 of House Resolution 24, 110th Congress, I am pleased to appoint the following as Members of the House Democracy Assistance Commission. All Members have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

The Honorable David Dreier of California, The Honorable John Boozman of Arizona, The Honorable Jeff Fortenberry of Nebraska, The Honorable Joe Wilson of South Carolina, The Honorable Judy Biggert of Illinois, The Honorable Wayne Gilchrest of Maryland, The Honorable Jerry Weller of Illinois, The Honorable Jeff Miller of Florida, and The Honorable Bill Shuster of Pennsylvania.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2081, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. OBEY, Wisconsin
Ms. KAPTUR, Ohio

COMMUNICATION FROM HON. JOHN BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
March 9, 2007.

Hon. NANCY PELOSI,
Speaker, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 2081, I am pleased to appoint the Honorable ZACH WAMP of Tennessee to the United States Capitol Preservation Commission. Mr. WAMP expressed interest in serving in this capacity and I am pleased to fulfill his requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

Mr. MURPHY of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1254) to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

The Clerk read as follows:

H.R. 1254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Library Donation Reform Act of 2007''.

SEC. 2. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Any Presidential library fundraising organization shall submit on a quarterly basis, in accordance with paragraph (2), information with respect to every contributor who gave the organization a contribution or contributions (whether monetary or in-kind) totaling $200 or more for the quarterly period.

''(2) For purposes of paragraph (1)—

''(A) the entities to which information shall be submitted under that paragraph are the Administration, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the dates by which information shall be submitted under that paragraph are April 15, July 15, October 15, and January 15 of each year and of the following year (for the fourth quarterly filing);

''(C) the requirement to submit information under that paragraph shall continue until the later of the following occurs:

''(i) The Archivist has accepted, taken title to, or entered into an agreement to use any land or facility for the archival depository.

''(ii) The President whose archives are contained in the depository no longer holds the Office of President and a period of four years has expired (beginning on the date the President left the Office).

''(3) In this subsection:

''(A) The term 'Presidential library fundraising organization' means an organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at—

''(i) a Presidential archival depository; or

''(ii) any facilities relating to a Presidential archival depository.

''(B) The term 'information' means the following:

''(i) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

''(ii) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

''(iii) If the source of such a contribution is an individual, the occupation of the individual.

''(iv) The date of each such contribution.

''(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted under paragraph (1). The information shall be made available without a fee or other access charge, in a searchable, sortable, and downloadable database.

''(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(6)(A) It shall be unlawful for any Presidential library fundraising organization to knowingly and willfully submit false material information or omit material information under paragraph (1).

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(7)(A) It shall be unlawful for a person to knowingly and willfully—

''(i) make a contribution described in paragraph (1) in the name of another person;

''(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

''(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

''(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act (2 U.S.C. 441b(b)(3)).

''(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.''.

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1254.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I walked into the Capitol today, it was sunny outside, and one of the benefits of coming from Connecticut about 100 or so miles south a few days a week is, you might get a few sunnier days this time of year. And it is important, I think, on this day that there is some sunlight outside because beginning with the bill before us today, and following with pieces of legislation to come, we are going to start once again to open up this government to the people of this country. There is a sense, I think, over time that too much in Washington, D.C., gets done in back rooms and not enough gets done in the open daylight.

Today, we begin to open, again, this government to the people of this country.

Mr. Speaker, today I rise in strong support of H.R. 1254, the Presidential Library Donation Reform Act of 2007, and I am grateful to do so through the benefit of work done before by Chairman WAXMAN, Congressman EMANUEL, by Mr. CLAY, and on the other side of the aisle, in particular, Mr. PLATTS and Mr. DUNCAN.

The legislation that they have worked on that is before us today is part of a larger effort by Congress to restore that honesty and accountability in the Federal Government. Simply put, this legislation would shine sunlight on donations to Presidential libraries.

Mr. Speaker, the Presidential library system was created by Franklin Delano Roosevelt. Roosevelt had an idea to create a repository to house his Presidential papers for the benefit of future generations of Americans; you could call it yet another successful New Deal program.

His idea was to raise private funds for the construction of a library facility, and then he turned the facility and his papers over to the Federal Government for operation by the National Archives. This model is still followed to this day.

But, like many things, Presidential libraries keep getting more expensive. They have become libraries in concept much more than in practice. They often include various facilities in addition to a repository, such as museums, conference centers, or classrooms.

The George H.W. Bush Library was reported to cost more than $80 million to build. The Clinton library and museum cost about $165 million to build. News reports have indicated that the fund-raising goal for President Bush's library and think tank in Texas is $500 million. One can only imagine how much his successor will have to raise.

The problem is that as these libraries continue to grow in size and scope, Presidential foundations need to raise more money to build them, and many of these organizations do so by selling access to the President while he is still in office while his power and celebrity are the strongest.

Under current law, there is no requirement to disclose the names of the donors and the amounts that they have donated, and there is no limit on the amount that can be donated. You don't need to be a political scientist to see the potential for abuse.

Today's bill simply requires that fund-raising organizations disclose information about their donors to Congress and the National Archives during the period of that most intense fundraising, while the President is in office, and during the first 4 years after the end of his term.

The legislation before us, H.R. 1254, would require that all organizations established for the purpose of raising funds for Presidential libraries, or their related facilities, report on a quarterly basis all contributions of $200 or more.

Under the bill, Presidential library fund-raising organizations would be required to disclose to Congress and the Archivist the amount and date of each contribution, the name of the contributor, and if the contributor is an individual, the occupation of the contributor. The National Archives would be required to disclose this information through a free, searchable, and downloadable database.

Mr. Speaker, this is a nonpartisan problem, and what we have before us today is a nonpartisan solution. This bill does not seek to limit the amount a donor can contribute or the amount a foundation can solicit. It simply seeks to shed sunlight on the process.

Many of us came to Congress to bring government out of the back rooms and back into the open air. This bill, I believe, is an important step in that transformation; and I am honored to be able to stand on the work of colleagues who have worked on this issue over the years and to be able to present it to this body today.

Mr. Speaker, similar legislation has enjoyed overwhelming bipartisan support in the House in the past, and I urge all of my colleagues to support this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our Nation's Presidential libraries attract millions of visitors each year, and serve as an important resource for researchers and historians, and provide inspiration for generations.

Over time, the cost of building and maintaining these facilities has risen significantly. Presidential libraries are built with private funds, then turned over to the Archivist for operation. An endowment covers some of the cost of operating a library, usually met through the establishment of a charitable organization. Funding for construction and the endowment come from private sources. Under current law, there is no requirement to disclose the source of these contributions.

There is a great deal of interest in enhancing disclosure on both sides of the aisle. Under the leadership of the gentleman from Tennessee (Mr. DUNCAN), a Republican, Congress passed bipartisan legislation to require the disclosure of contributions to organizations that raise funds for Presidential libraries and related facilities.

□ 1045

His bill, H.R. 577, from the 107th Congress passed the House with strong bipartisan support by a vote of 392–3. When we consider enhanced disclosure, it is important to treat everyone equally. We need a sensible, even-handed approach to disclosure, one that applies equally to Democrats and Republicans.

The gentleman from Tennessee has had the right approach, one that was supported by the gentleman from California (Mr. WAXMAN) and many others across the aisle. I think it is of utmost importance that we avoid any temptation to politicize this important issue.

An amendment offered in committee would add the reasonable step of applying the disclosure steps of this legislation to Presidents elected after the enactment of this act. It is my hope that we can take politics out of disclosure, which is an important issue.

I also commend the Chair of our subcommittee, Mr. CLAY, for his leadership on our subcommittee and in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), the distinguished chairman of the Government Oversight and Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Connecticut for yielding to me and for managing this

legislation. It will be the first of a number of bills that we think are important for openness, transparency, accountability and sunshine in government.

This particular legislation has strong bipartisan support. The gentleman from Tennessee (Mr. DUNCAN) introduced it originally several years ago, and we are building on his proposal. It is a wise proposal because it would provide for disclosure of contributions that are made for Presidential libraries.

There is nothing wrong with contributing to Presidential libraries, but at the present time contributions to Presidential libraries can be of any amount, from my source, and they need not be disclosed. This is a loophole that calls for abuse. Whether it is real or perceived, we should not have special interest groups making contributions to a Presidential library with the expectation that they may receive something in return. We should not allow foreign governments even to contribute to Presidential libraries.

This legislation would require disclosure of contributions that are made to Presidential libraries and their affiliates.

It is interesting to see that in recent years Presidential libraries and their affiliated institutions have grown and become increasingly expensive. It cost more than $80 million, although I even think that is a lot of money, but that was what it cost to build the George H.W. Bush Library. President Clinton went and doubled that amount, and it took $165 million to build his library. There are recent reports suggesting that the projected fund-raising target for this President Bush's target library is $500 million.

I think that we ought to have disclosure, as do my colleagues on the other side of the aisle. It is time for openness and sunshine in the area of these contributions, and I strongly support it.

I want to commend all of the people who have been involved in this legislation, the chairman of the subcommittee, Mr. CLAY; the ranking member, Mr. TURNER, and all of those involved.

Mr. TURNER. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I want to first thank the gentleman from Ohio for yielding me this time and for his work on this legislation and his kind comments from a few minutes ago, and I want to thank the gentleman from Connecticut who is managing the bill today. Especially I want to thank Chairman WAXMAN because this bill, while it has been mentioned that we passed this once before in an earlier Congress, it would not be on the floor today if it were not for the support of Chairman WAXMAN, and I do appreciate that very much.

As has already been mentioned, I introduced this bill several years ago, and in fact it was the 106th Congress when I first introduced this because I learned that some foreign governments from the Middle East were making very large contributions to the proposed library for President Clinton, and I was concerned that could lead to undue influence on the part of not only foreign governments but perhaps others.

Many months later after I introduced this bill, I learned that Marc Rich's exwife, and one of his closest friends, had made very large contributions to the Clinton library, and then President Clinton, on his last day in office, granted a pardon to Mr. Rich who had fled the country after evading $40 million in income taxes.

I can tell you this, in my mind, is not a partisan bill. I introduced this under a Democratic President. I reintroduced it in the 107th Congress under a Republican President. As has been noted by the gentleman from Ohio, this bill passed the House by a vote of 392–3. There was not enough interest in the Senate at that time, and so we are back here today to try to pass this bill this time to bring as, has already been said, some openness, some transparency, to shed some light on these contributions and on what would be a real potential for abuse under either a Democratic or Republican President in the future.

As Chairman WAXMAN and others have said, the price tag on these Presidential libraries has escalated just in a few years' time from $80 million to $500 million projected for this President's library, and no telling where those libraries might go in the future in regard to costs.

This bill does not prohibit any contributions. It allows even very, very large contributions. All it does is require reporting, quarterly reporting.

My original bill has been made stronger by the suggestions, by the actions by Chairman WAXMAN, and I support this bill. I think it is a good government bill, and I think it is one that all of our colleagues can be proud in supporting. It will certainly help to prevent some real serious potentials for abuse in the years ahead if we pass this legislation.

So I appreciate the support of everyone who has spoken here today, and I urge the support of all of my colleagues.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY), the distinguished chairman of the subcommittee.

Mr. CLAY. Mr. Speaker, I thank the gentleman from Connecticut for yielding and managing this bill. I want to also thank the gentleman from Tennessee for his leadership on this subject. I rise in strong support of H.R. 1254 and urge my colleagues to vote in favor of it.

Mr. Speaker, Federal election laws limit the amount a single source can give to a political campaign. It requires that donations and donor information must be disclosed to the public. These requirements help to preserve the integrity of our democratic system by ensuring that campaign donors do not exercise undue influence over elected policy-makers.

Similar requirements do not apply to Presidential library fund-raising campaigns, and this creates the potential for large donors to exert or appear to exert improper influence over a sitting President.

The fact that private foundations are required to raise money to build and maintain Presidential libraries lowers the burden on taxpayers, but it also increases the incentive for sitting Presidents to pursue aggressive fund-raising for libraries that have become more and more expensive over the years.

Under H.R. 1254, the Presidential Library Foundation would be required to report on a quarterly basis all donations of $200 or more. This requirement would apply to donations made to the foundation during the time that the President is in office and during the period before the Archives agrees to use the land or facility.

In addition, the proposal calls on the Archivist to make all reports available to the public online through a searchable and downloadable database.

In 2000, during the last days of the Clinton Presidency, the House passed similar legislation by an overwhelming bipartisan vote. A similar provision was included in legislation introduced last year by then-Minority Leader PELOSI but it did not move.

Mr. Speaker, the time has passed for the Congress and the President to enact these requirements into law. This is not a partisan issue. It is an issue of concern to all Americans who care about government, integrity and transparency.

I commend Mr. WAXMAN, my fellow original cosponsors, Mr. DUNCAN, Mr. PLATTS and Mr. EMANUEL, for their leadership on this issue and urge all of my colleagues to support this important bipartisan bill.

Mr. TURNER. Mr. Speaker, I have no other speakers at this moment and reserve the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague from Connecticut and colleagues from California and Missouri and my other colleagues for their leadership on this legislation.

It is an important part of this legislation, like the other legislation we are doing on whistleblowers and protection for whistleblowers, as well as the no-bid contracts.

If you look at the Presidential library and the other two pieces of legislation, they all have a common meaning, to ensure that the public trust is protected from being bent for the private interest.

What we mean here is that, in making sure in the period of time in which

a President of the United States is raising money for their library, that at no time will their actions, or public actions, be influenced by those who are willing to support their library. In the same way that we are trying to make sure later this week when we vote on the no-bid contracts, that in no way should those contracts be renewed automatically for those who have gotten their business, no-bid contracts, and somehow had the influence to get that legislation, and the whistleblower legislation, all attempted to protect the public trust.

President Bush plans on raising about $500 million for his Presidential library. President Clinton's library has cost about $165 million, and President Bush's, the 41st President, library cost approximately $80 million, slightly more than that, and there are no questions asked about where the money comes from.

We do not know who is raising these funds, who is donating them, and if the donors are looking for any other favors in return. This process is overdue for sunlight, and we are reforming that practice here today.

I am proud to have worked with Congressman WAXMAN, Congressman CLAY, Congressman PLATTS, and Congressman DUNCAN in drafting this bill, which would require the disclosure of any contribution of $200 and above for a Presidential library. This information will be available online so that every American can see who is sending money to the Oval Office.

Mr. Speaker, change is good. Last November, the American people voted for change and that is exactly what we are doing this week and this year. We are changing the way business is done in Washington and restoring integrity to government.

In the first weeks, when we were here, we initiated change on banning gifts, banning meals by lobbyists, making sure earmarks had reform, and this is part of that step-by-step process. You will not change the ways of Washington overnight, but you must have a dedicated step-by-step process to bring reform to the way business is done in Washington. This is an important step, as will be the whistleblower protection we take on today and vote on, and the no-bid contracts for those who are trying to enact contracting reform in the areas of Iraq, Katrina and other places.

As you just saw last week, the taxpayers are getting back only 40 cents on the dollar for the trailers they built for the protection of hurricane victims because we did not use it. We have got to reform the way Washington does work, and this is an important piece of legislation in doing that as part of our overall process.

I thank all my colleagues for their work on this legislation.

Mr. TURNER. Mr. Speaker, I do not have any other speakers for the moment, and I reserve the balance of my time.

□ 1100

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself so much time as I may consume.

I want to thank both sides of the aisle, Mr. DUNCAN, Mr. WAXMAN and Mr. CLAY, who have done such great work on this issue. They have constructed a bill which will allow the development of these facilities to move forward in an expeditious manner, but done so in a way that gives people faith in that process.

So much of our ability to build and rebuild faith in this government is connected to whether or not people believe that things we do here are done in the open light of day. Today is going to be a very good day to restore part of people's faith in this government, and this bill is an important first step.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the public's right to know. I rise in support of H.R. 1254, the ''Presidential Library Donations Reform Act of 2007,'' which requires the disclosure of donors to presidential libraries.

Mr. Speaker, Presidential libraries are built using private funds raised by an organization or foundation working on behalf of the President. It costs a lot of money to construct and endow a Presidential library. The first Presidential library, housing the papers of Franklin D. Roosevelt, cost less than $400,000 to build, about $5 million adjusted for inflation. But since that time, Presidential libraries have grown more and more ambitious and costly. The $26 million Carter library was succeeded by the $57 million Reagan library, followed in turn by the $83 million library complex for former President George H.W. Bush, and the $165 million Clinton library complex. George W. Bush's Presidential library complex may cost as much as $500 million.

To erect these major complexes is going to take more than the $25 to $50 donations that built Harry Truman's modest Presidential library. Donations from individual donors can and have amounted to several million dollars. Under current law, Presidents may raise unlimited funds for their libraries while in office, which raises concerns about conflicts of interest, corruption or the appearance of corruption. This is because donations for the Presidential library can be unlimited in size but are not required to be disclosed.

Mr. Speaker, H.R. 1254 greatly enhances the public's access to information because it requires that contribution information be made available in a timely manner on the Internet in a searchable, sortable, downloadable database, without any fee or access charges. This proposal would ensure, for the first time, the public knows the source of contributions to the Presidential libraries intended to serve them.

Typically, fundraising to construct a Presidential library is done through a nonprofit foundation or group, which is free to seek donations from corporations, individuals, even foreign nationals and foreign governments. Sitting presidents may be actively involved in soliciting these contributions. And there is no limit on the size of the donations, and no requirement that they be disclosed.

Mr. Speaker, a Presidential library complex has become one of the vehicles for Presidents to shape and perpetuate their legacy. They also provide a platform for Presidents to continue work on issues they care about. But if sitting Presidents are raising money in undisclosed, unlimited amounts for projects in which they are personally invested, wealthy special interests have unprecedented opportunities to seek access and influence at the White House and evade all public scrutiny. At the very least, the public deserves to know the amount of donations, the names, addresses and occupations of the donors, and the dates donations were made.

H.R. 1254 requires that all organizations established for the purpose of raising funds for Presidential libraries or their related facilities report on a quarterly basis all contributions of $200 or more.

Under H.R. 1254, organizations fundraising for Presidential libraries would be required to disclose their donations while the President is in office and during the period before the Federal government has taken possession of the library. The bill sets a minimum reporting period of 4 years after the end of a President's term.

The bill injects sunshine in government by making public information about donations to presidential libraries made during the term of the president in question. Under the bill, presidential library fundraising organizations would be required to disclose to Congress and the Archivist the amount and date of each contribution, the name of the contributor, and if the contributor is an individual, the occupation of the contributor. As noted previously, the National Archives would be required to make the information available to the public through a free, searchable, and downloadable database on the Internet.

For all of these reasons, Mr. Speaker, I strongly support H.R. 1254. As Justice Brandeis famously observed, ''sunshine is the best disinfectant.'' I urge all my colleagues to join me in supporting this important and necessary legislation.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I want to congratulate, again, Mr. DUNCAN of Tennessee, and urge all Members to support the passage of H.R. 1254.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MURPHY of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1255) to amend chapter 22 of title

44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, as amended.

The Clerk read as follows:

H.R. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Records Act Amendments of 2007''.

SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

''§ 2208. Claims of constitutionally based privilege against disclosure

''(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

''(A) promptly provide notice of such determination to—

''(i) the former President during whose term of office the record was created; and

''(ii) the incumbent President; and

''(B) make the notice available to the public.

''(2) The notice under paragraph (1)—

''(A) shall be in writing; and

''(B) shall include such information as may be prescribed in regulations issued by the Archivist.

''(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

''(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

''(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

''(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure must be asserted personally by a former President or the incumbent President, as applicable.

''(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

''(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

''(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

''(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

''(A) the incumbent President withdraws the privilege claim; or

''(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

''(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

''(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.''.

(b) RESTRICTIONS.—Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

''(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.''.

(c) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting '', except section 2208,'' after ''chapter''.

(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting '', except section 2208,'' after ''chapter''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

''2208. Claims of constitutionally based privilege against disclosure.''.

SEC. 3. EXECUTIVE ORDER OF NOVEMBER 1, 2001.

Executive Order number 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As chairman of the Oversight Subcommittee on Information Policy, Census, and National Archives and an original cosponsor of the Presidential Records Act Amendments of 2007, I strongly support H.R. 1255 and urge its passage by the House. It is appropriate that the House should consider H.R. 1255 during Sunshine Week, when we can call attention to the importance of transparency and open government.

Introduced by Representative WAXMAN, this bipartisan bill is intended to promote the timely release of Presidential records under the Presidential Records Act of 1978, by rescinding Executive Order 13233. Issued by President Bush in November 2001, the executive order granted new authority to Presidents, former Presidents, their heirs and designees and Vice Presidents, allowing them to withhold information from public view unilaterally and indefinitely.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

When it comes to the records of a President, we need to ensure that the public's interest remains paramount. As I noted in the subcommittee, it is important that we distinguish the Nation's interest from that of a former President's interest. We need to achieve that critical balance between the President's constitutional privilege and the public's right to know.

The bill is one step toward preserving and protecting the constitutional prerogatives of Presidents while preserving public access to important and historic Presidential records. The legislation before us established a process whereby incumbent and former Presidents could, within specified time limits, review records prior to their release and determine whether to assert constitutional privilege claims against release of the records.

This legislation is identical to H.R. 4187, introduced in the 107th Congress and approved by the committee under the leadership of the gentleman from Indiana (Mr. BURTON). I want to commend him for his work in this area.

In addition, I want to highlight an amendment which was approved by the full committee. This provision will close a loophole in the Presidential Records Act which would have allowed individuals previously convicted of a crime relating to the mishandling of Archives records to continue to have special access to Presidential records. The amendment to the bill states that the Archivist shall not make available any Presidential records to any individual claiming access as a designated representative under section 2205(3) of title 44 if that individual has been convicted of a crime relating to the review, retention, removal or destruction of Archives records.

If you are convicted of mishandling Archives records, you should not have special access to original Presidential records. You are a proven risk, and we are obligated to mitigate this type of risk. Given the critical importance of Presidential records to the public, to researchers and to the press, we must ensure no one is able to tamper with history. This bill today includes this important amendment.

I also want to commend the Chair of our subcommittee, Mr. CLAY, for his leadership on the subcommittee, and his thoughtful hearings held by the subcommittee in support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I now yield 3 minutes to the distinguished Chair of the full Committee on Oversight and Government Reform, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the chairman of the subcommittee for yielding to me and the fine work he and his subcommittee have done with this legislation. I also want to commend the gentleman from Ohio, the ranking member of that subcommittee.

Mr. Speaker, this bill also builds on a bipartisan proposal that came to light in the last Congress, and I think it fits well within the theme of many of the bills that we are pursuing this week, openness in government.

The bill has a straightforward goal. It ensures that future historians have access to Presidential records as the Presidential Records Act intended.

This law was adopted after the Watergate scandals to underscore the fact that Presidential records belong to the American people, not to the President, not to his family, but to the American people. It has been a bipartisan proposal from the very beginning. In fact, this bill had bipartisan support not only from Mr. CLAY and others, but Mr. PLATTS and Mr. BURTON.

The act said that these records would be available to researchers and the general public in a timely manner. This was the rule for over two decades, but in 2001, President George W. Bush issued an executive order that turned the Presidential Records Act on its head and gave Presidents the authority to keep their records out of the public eye.

The Bush order gives both current and former Presidents nearly unlimited authority to withhold Presidential records from public view or to delay their release indefinitely. It allows a designee of former Presidents to assert executive privilege after the President's death, and for the first time, it gives former Vice Presidents the authority to assert privilege over their own documents. In short, this gives former Presidents and their heirs the ability to control their legacy and determine what information will be available to history.

That undermines the entire purpose of the Presidential Records Act. Historians and scholars need access to Presidential records so that there is an accurate record of a President's term in office and not an alleged version based on what the President chooses to share.

During Sunshine Week this bill fits in so well, because it would make sure that information about government and government activities is open to public scrutiny. It is an essential component of this open government agenda.

I urge my colleagues to support this legislation, protect historical research, and vote for this bill.

Mr. TURNER. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during subcommittee hearings last week, the Archivist of the United States, Allen Weinstein, testified that Executive Order 13233 has ''added to the endemic problem of delay that NARA faces from the PRA in the processing of Presidential records.''

Tom Blanton of the National Security Archive testified that the order already has added 5 years to the response time for records from the Reagan library and violates the letter and spirit of the PRA.

Presidential historian Robert Dallek urged Congress to rescind the order, stating, ''President Bush's order carries the potential for an incomplete and distorted understanding of past Presidential decisions, especially about controversial actions with significant consequences.''

''It is understandable,'' said Dr. Dallek, ''that every President and his heirs wants to put the best possible face on his administration, but an uncritical or limited reconstruction of our Nation's history does nothing to serve its long-term national interest.''

Mr. Speaker, the long-term national interest demands that the American people know how and why important decisions are made at the highest level of our government. This straightforward and bipartisan legislation would ensure that this will be the case by requiring that Presidential records will be treated as the property of the American people.

Mr. Speaker, I urge all of my colleagues to support the bill as reported by the Committee on Oversight and Government Reform.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield such time as the gentleman from California (Mr. WAXMAN) may consume.

Mr. WAXMAN. Thank you very much for yielding to me.

Mr. Speaker, history is important because it informs us of events of the past, so we can learn from those events, not to make the same mistakes or to follow good examples that turned out to be successful. History always is an ongoing process. It is a process of looking at facts and reinterpreting those facts, often in light of current events and matters that are before the researchers at the present time.

But there are those who would like to rewrite history for their own purposes, and to the extent that we can keep that from happening, I think this bill goes a long way. It would allow the records, the raw information, to be available, let those who want to interpret those events do so as they see fit; and in doing so, by making these records available to scholars and the public, we can find out the information that we didn't know at the time the events were taking place: what motivated certain decisions, what other factors were being considered, what was going on that led to certain conclusions.

There are books now being written about the present day, how we got into Iraq, what we had hoped to do, what we still hope we can accomplish, what the thinking was of those who led us into the adventure. Many of the books have been praiseworthy, and most of them have been quite critical. But it won't be until the judgment of history that we will be able to fill in many of the gaps that remain.

So, at some point, Presidential records help scholars fill in those gaps. That is why I think it is so worthwhile to have this information available, at least at a time when there is some historical perspective. Many times it is after the President has passed on, but certainly long after the President's administration.

During the Nixon period, President Nixon thought that the records belonged to him, and he sought, as I recall, a tax break for donating his records to a nonprofit organization. He felt he could control those records.

Well, I think the American people looked at that and said, wait a minute, some things are his, the President's, to do with as he sees fit, but some things don't really belong to him.

□ 1115

They belong to the American people. They belong to scholars. They belong to history. And the Presidential Records Act was adopted because of that concern. It has worked well for several decades, and it is only when we saw the executive order presented by President George W. Bush that some of the concerns have been raised because that Presidential order overturned the one that was put into effect by President Reagan implementing the post-Watergate legislation.

So I wanted to use this additional time to give some historical background to this matter. We heard from many scholars, as the chairman of the subcommittee indicated, who set out the reasons why they thought it was important to be able to get this information, the Archivist, Mr. Weinstein, Presidential scholars like Mr. Dallek and Mr. Reeves, particularly, who have written about recent Presidents, urged us to adopt this legislation. And I am pleased that now we are considering it. And it is important, it is a good government bill, and we are doing it in the appropriate way, in a bipartisan spirit where we vote together on the committee. And I commend all those involved. And I know now, because I have just been informed, that the next bill is ready for consideration of the House.

Mr. CLAY. Mr. Speaker, I want to thank the chairman of our committee for those anecdotes and his knowledge of history.

I also want to thank the ranking member from Ohio for his cooperative spirit of allowing the sunshine in on this bill and the other bills that we have been discussing today.

And I just want to close by urging all of my colleagues to vote in support of H.R. 1255, the Presidential Records Act Amendments of 2007.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1255, the "Presidential Records Act Amendments of 2007," which vitiates an Executive order issued in 2001 by President Bush that unreasonably and severely restricts public access to Presidential records. By negating that Executive order, we win a great victory for open government.

Under the Presidential Records Act, Presidential records are supposed to be released to historians and the public 12 years after the end of a Presidential administration. Shortly after taking office in 2001, President Bush issued Executive Order 13233, which overturned President Reagan's Executive order and gave current and former Presidents and Vice Presidents broad authority to withhold Presidential records or delay their release indefinitely. H.R. 1255 will nullify the Bush Executive order and establish procedures to ensure the timely release of Presidential records.

Under the Bush Executive order, the Archivist of the United States must wait for both the current and former President to approve the release of Presidential records, a review process that can continue indefinitely. Under the bill, the current and former President would have a set time period of no longer than 40 business days to raise objections to the release of these records by the Archivist.

Mr. Speaker, another salutary feature of H.R. 1255 is that it limits the authority of former Presidents to withhold Presidential records. To prevent the release of his records under the regime established by President Reagan's Executive order, a former President was required to request the incumbent President to assert the claim of executive privilege. If the incumbent President decided not to assert executive privilege, however, the records would be released unless the former President succeeded in obtaining a court order upholding the assertion of privilege and enjoining disclosure.

The regime established by President Bush's Executive order turned this process on its head. It requires the incumbent President to sustain the executive privilege claim of the former President unless a person seeking access could persuade a court to reject the claim. In effect, the Bush order gave former Presidents virtually unlimited authority to withhold Presidential records through assertions of executive privilege. H.R. 1255 restores the Reagan approach, giving the incumbent President the discretion to reject ill-founded assertions of executive privilege by former Presidents.

Mr. Speaker, under President Bush's Executive order regime, claims of executive privilege could be asserted to defeat disclosure even after the death of a former President by his heirs, assigns, and descendants. The practical effect of eliminating the requirement that the former President had to assert the privilege personally is to extend the time in which Presidential records may be withheld in perpetuity. H.R. 1255 makes clear that the right to claim executive privilege is personal to current and former Presidents and does not survive the death of the former President.

Mr. Speaker, perhaps the most egregious aspect of President Bush's Executive order is that it authorized former Vice Presidents to assert executive privilege claims over Vice Presidential records. If the authority to assert such a claim is left undisturbed, the public will never learn what really went on behind the closed doors of Vice President CHENEY's secret energy task force or the White House Iraq Group's marketing campaign to sell the Iraq War to the Congress and the American people. That is why I support the provision in H.R. 1255 limiting the right to assert executive privilege over Presidential records only to Presidents and former Presidents.

Mr. Speaker, I strongly support H.R. 1255 and urge all my colleagues to join me in supporting this legislation amending the Presidential Records Act to nullify the Bush Executive order and establish procedures to ensure the timely public release of Presidential records.

Mr. UDALL of Colorado. Mr. Speaker, as a proud cosponsor of this bill—and of similar legislation since shortly after I was first elected to Congress—I strongly support its approval by the House.

The bill amends the Presidential Records Act of 1978 to establish a clear and equitable process enabling incumbent and former Presidents to review records prior to their public release under the act and determine whether to assert constitutional privilege claims against release of the records.

Importantly, it would revoke an Executive order issued by President George W. Bush in 2001 that overturned rules set by President Ronald Reagan. By that order, President Bush has sought to give himself and Vice President CHENEY—as well as former Presidents and Vice Presidents—broad authority to withhold Presidential records or delay their release indefinitely. I do not think that order should be allowed to stand.

The Presidential Records Act was enacted in 1978 after the Watergate scandal and the subsequent resignation of President Nixon. It makes clear that Presidential records belong to the American people, not to the President, and required the Archivist of the United States—who was given custody of the records—to make the records available to the public as rapidly and completely as possible consistent with the provisions of the law.

The act first applied to the records of former President Ronald Reagan. In 1989, he issued an Executive order requiring the Archivist to give the incumbent and former Presidents 30 days notice before releasing Presidential records, with the records to be released after that unless the incumbent or former President claimed executive privilege, or unless the incumbent President instructed the Archivist to extend the period indefinitely. If the incumbent President decided to invoke executive privilege, the Archivist would withhold the records unless directed to release them by a final court order. If the incumbent President decided not to support a former President's claim of privilege, the Archivist would decide whether or not to honor the claim.

Before he left office, President Reagan used his authority under the act to restrict access to some of his records for 12 years, a period that expired in January 2001.

In February 2001, the Archivist provided the required 30-day notice of his intent to release about 68,000 pages of former President Reagan's records. In March, June, and August of 2001, the counsel to President Bush instructed the Archivist to extend the time for claiming executive privilege. And then, in November 2001, President Bush issued a new Executive order extending the review period for former Presidents to 90 days and allowing a former President to extend it indefinitely. In addition, that order allows an unlimited review period for the current President and requires the Archives to honor the assertions of executive privilege made by either the incumbent or a former President—even if an incumbent President disagrees with the former President's claim. And, while the Reagan order said records were to be released on a schedule unless action occurred, the Bush Executive order says records will be released only after actions by the former and current Presidents have occurred—so, secrecy, not disclosure, is the rule. Also, the Bush Executive order allows designees of a former President to assert privilege claims after that President's death and authorizes former vice Presidents to assert executive privilege claims over their records.

Mr. Speaker, when we think what difference the release of the Kennedy, Johnson, and Nixon tapes has made in our understanding of the decision-making on Vietnam we can see how much could be lost if representatives of the Reagan, Clinton, and current Bush administrations in the future can hold back any and all documents related to Iran-contra, the first gulf war, the way the Clinton administration responded to intelligence about a potential Al Qaeda attack, or the current administration's decisions about Iraq.

It is understandable that every President and his or her heirs wants to put the best possible face on his administration, but an edited and airbrushed version of history is not something that will serve our long-term national interest.

H.R. 1255 would nullify Executive Order 13233 and establish procedures to ensure the timely release of Presidential records.

It requires the Archivist to give advance notice to former and incumbent Presidents before records are released so they can review the records and decide whether to claim privilege and provides for withholding of material for which the incumbent President claims privilege. The bill also clarifies that the incumbent and former Presidents must make privilege claims personally and that a right to claim executive privilege cannot be bequeathed to assistants, relatives, or descendants. And the bill eliminates executive privilege claims for vice Presidents, restoring the long-standing doctrine that the right to executive privilege over Presidential records is held only by Presidents.

Mr. Speaker, this is a fair, balanced, and essential bill. I strongly urge its approval.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I urge all Members to vote in support of passage of H.R. 1255, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1309) to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes, as amended.

The Clerk read as follows:

H.R. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Freedom of Information Act Amendments of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), ''The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.'';

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a ''strong presumption in favor of disclosure'' as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) ''disclosure, not secrecy, is the dominant objective of the Act,'' as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the ''need to know'' but upon the fundamental ''right to know''.

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

''In making a determination of a representative of the news media under subclause (II), an agency may not deny that status solely on the basis of the absence of institutional associations of the requester, but shall consider the prior publication history of the requester. Prior publication history shall include books, magazine and newspaper articles, newsletters, television and radio broadcasts, and Internet publications. If the requestor has no prior publication history or current affiliation, the agency shall consider the requestor's stated intent at the time the request is made to distribute information to a reasonably broad audience.''.

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) IN GENERAL.—Section 552(a)(4)(E) of title 5, United State Code, is amended by adding at the end the following: ''For purposes of this section only, a complainant has substantially prevailed if the complainant has obtained relief through either—

''(i) a judicial order, administrative action, or an enforceable written agreement or consent decree; or

''(ii) a voluntary or unilateral change in position by the opposing party, in a case in which the complainant's claim or defense was not frivolous.''.

(b) LIMITATION.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from the amendments made by this section. Any such amounts shall be paid only from funds annually appropriated for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(F)''; and

(2) by adding at the end the following:

''(ii) The Attorney General shall—

''(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

''(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

''(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).''.

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking ''determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request'' and inserting ''within the 20-day period commencing on the date on which the request is first received by the agency (excepting Saturdays, Sundays, and legal public holidays), which shall not be tolled without the consent of the party filing the request, determine''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) APPLICABILITY OF AGENCY FEES.—

(1) LIMITATION.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

''(viii) An agency shall refund any fees collected under this subparagraph if the agency fails to comply with any time limit that applies under paragraph (6). Such refunds shall be paid from annual appropriations provided to that agency.''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and shall apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) IN GENERAL.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

''(7) Each agency shall—

''(A) establish a system to assign an individualized tracking number for each request for information under this section;

''(B) not later than 10 days after receiving a request, provide each person making a request with the tracking number assigned to the request; and

''(C) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

''(i) the date on which the agency originally received the request; and

''(ii) an estimated date on which the agency will complete action on the request.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. SPECIFIC CITATIONS IN EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute—

''(A) if enacted after the date of enactment of the Freedom of Information Act Amendments of 2007, specifically cites to this section; and

''(B)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;''.

SEC. 9. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT REQUIREMENTS.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking ''fiscal year and which'' and inserting ''fiscal year. Information in the report shall be expressed in terms of each principal component of the agency and for the agency overall, and'';

(2) in subparagraph (B)(ii), by inserting after the first comma the following, ''the number of occasions on which each statute was relied upon,'';

(3) in subparagraph (C), by inserting after ''median'' the following: ''and average'';

(4) in subparagraph (E), by inserting before the semicolon the following: '', based on the date on which each request was initially received by the agency''; and

(5) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively, and inserting after subparagraph (E) the following new subparagraphs:

''(F) the average number of days for the agency to respond to requests beginning on the date on which each request was initially received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

''(G) based on the number of business days that have elapsed since each request was initially received by the agency—

''(i) the number of requests for records to which the agency has responded with a determination within a period greater than 1 day and less than 201 days, stated in 20-day increments;

''(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

''(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

''(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

''(H) the average number of days for the agency to provide the granted information beginning on the date on which each request was initially received by the agency, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

''(I) the median and average number of days for the agency to respond with a determination to administrative appeals based on the date on which each appeal was initially received by the agency; the highest number of business days taken by the agency to respond to an administrative appeal; and the lowest number of business days taken by the agency to respond to an administrative appeal;

''(J) data on the 10 active requests with the earliest filing dates pending at the agency, including the amount of time that has elapsed since each request was initially received by the agency;

''(K) data on the 10 active administrative appeals with the earliest filing dates pending at the agency as of September 30 of the preceding year, including the number of business days that have elapsed since each request was initially received by the agency;

''(L) the number of expedited review requests received by the agency, the number that were granted and the number that were denied, the average and median number of days for adjudicating expedited review requests, and the number of requests that adjudicated within the required 10 days;

''(M) the number of fee waiver requests that were granted and the number that were denied, and the average and median number of days for adjudicating fee waiver determinations;''.

(b) AVAILABILITY OF RAW STATISTICAL DATA.—Section 552(e)(2) of title 5, United States Code, is amended by adding after the period the following: ''In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.''.

SEC. 10. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) 'record' and any other term used in this section in reference to information includes—

''(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

''(B) any information described under subparagraph (A) that is maintained for an agency by an entity under a contract between the agency and the entity.''.

SEC. 11. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) IN GENERAL.—Chapter 21 of title 44, United States Code, is amended by inserting after section 2119 the following new section:

''§ 2120. Office of Government Information Services

''(a) IN GENERAL.—There is established in the National Archives an office to be known as the 'Office of Government Information Services'.

''(b) NATIONAL INFORMATION ADVOCATE.—

''(1) IN GENERAL.—The Office of Government Information Services shall be under the supervision and direction of an official to be known as the 'National Information Advocate' who shall report directly to the Archivist of the United States.

''(2) FUNCTIONS OF OFFICE.—

''(A) GUIDANCE FOR REQUESTERS.—

''(i) IN GENERAL.—The Office of Government Information Services shall provide, as a non-exclusive alternative to litigation, guidance to FOIA requesters.

''(ii) TYPES OF GUIDANCE.—In providing such guidance, the Office shall provide informal guidance to requesters and may provide fact-finding reviews and opinions to requesters. All reviews and opinions shall be nonbinding and shall be initiated only on the request of FOIA requesters.

''(iii) AVAILABILITY.—Any written opinion issued pursuant to this section shall be available on the Internet in an indexed, readily accessible format.

''(iv) FOIA REQUESTERS.—In this paragraph, the term 'FOIA requester' or 'requester' means a person who has made a request under section 552 of this title and who has been denied records or has not received a timely response to the request or to an administrative appeal.

''(B) ANALYSES OF AGENCY OPERATIONS.—The Office of Government Information Services shall—

''(i) review polices and procedures of administrative agencies under section 552 of this title and compliance with that section by administrative agencies; and

''(ii) recommend policy changes to Congress and the President to improve the administration of section 552 of this title, including whether agencies are receiving and expending adequate funds to ensure compliance with that section.

''(3) IMPACT ON REQUESTER ACCESS TO LITIGATION.—Nothing in this section shall affect the right of requesters to seek judicial review as described in section 552 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 44, United States Code, is amended by inserting after the item relating to section 2119 the following:

''2120. Office of Government Information Services.''.

SEC. 12. ACCESSIBILITY OF CRITICAL INFRASTRUCTURE INFORMATION.

(a) IN GENERAL.—Not later than January 1 of each of the 3 years following the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation and use of section 214 of the Homeland Security Act of 2002 (6 U.S.C. 133), including—

(1) the number of persons in the private sector, and the number of State and local agencies, that voluntarily furnished records to the Department under this section;

(2) the number of requests for access to records granted or denied under this section;

(3) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats; and

(4) an examination of whether the nondisclosure of such information has led to the increased protection of critical infrastructure.

(b) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 13. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate;

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

SEC. 14. PROMOTION OF PUBLIC DISCLOSURE.

Section 552 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The policy of the Federal Government is to release information to the public in response to a request under this section—

''(A) if such release is required by law; or

''(B) if such release is allowed by law and the agency concerned does not reasonably foresee that disclosure would be harmful to an interest protected by an applicable exemption.

''(2) All guidance provided to Federal Government employees responsible for carrying out this section shall be consistent with the policy set forth in paragraph (1).''.

SEC. 15. REQUIREMENT TO DESCRIBE EXEMPTIONS AUTHORIZING DELETIONS OF MATERIAL PROVIDED UNDER FOIA.

Section 552(b) of title 5, United States Code, is amended in the matter appearing after paragraph (9)—

(1) in the second sentence, by inserting after ''amount of information deleted'' the following: '', and the exemption under which the deletion is made,''; and

(2) in the third sentence, by inserting after ''amount of the information deleted'' the following: '', and the exemption under which the deletion is made,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as chairman of the Oversight Subcommittee on Information Policy, Census and National Archives, and lead sponsor of the Freedom of Information Act Amendments of 2007, I strongly urge my colleagues to support H.R. 1309.

H.R. 1309 champions the values of transparency and open government that we celebrate during Sunshine Week and that are embodied in the Freedom of Information Act, or FOIA, as it is referred to.

Introduced with my colleagues Representative WAXMAN, chairman of the full Committee on Oversight and Government Reform, and Representative PLATTS, this bipartisan legislation is necessary to strengthen FOIA as a tool for enabling public access to government records.

During a hearing in February, the subcommittee heard extensive testimony concerning long delays and bureaucratic obstacles experienced by requesters when trying to obtain government records under FOIA.

According to testimony from GAO, most agencies throughout the government are failing to keep pace with the volume of requests they are receiving, the number of pending requests carried over from year to year has been steadily increasing, and the rate of increase is growing.

A report released on Monday by the nonprofit National Security Archive further highlights the failure of agencies to make information available to the public in a timely way. According to the report, just 22 percent of agencies are complying with the 1996 ''e-FOIA law,'' which requires agencies to post frequently requested information on their Web sites.

An insufficient level of resources available for FOIA processing is one reason requesters are being forced to wait long periods of time for responses from agency FOIA offices. Another factor is the current administration's policy of withholding government information that would have been released under previous administrations. Government secrecy has increased as the volume of requests has gone up dramatically.

Building on the OPEN Government Act introduced in the last Congress by Senators CORNYN and LEAHY and Representative LAMAR SMITH, H.R. 1309 contains 13 substantive provisions aimed at removing obstacles to complete and timely government responses to FOIA requests.

The bill would re-establish the policy of the Clinton administration, under which agencies were directed to disclose requested information unless the disclosure would result in some harm. The current administration has encouraged agencies to be more aggressive in asserting statutory exemptions to deny FOIA requests.

In addition, the bill proposes a government-wide ombudsman to mediate disputes between agencies and requesters. This would help to reduce the number of disputes resolved through costly and time consuming litigation.

Other key provisions include: A requirement that agencies respond to FOIA requests within 20 business days or face meaningful administrative penalties; the establishment of a publicly accessible tracking system for pending FOIA requests; and new reporting requirements to allow Congress to evaluate agency compliance with FOIA laws and regulation.

In conclusion, Mr. Speaker, H.R. 1309 provides a strong, reasonable and bipartisan approach to streamlining the FOIA process and increasing transparency in government. It has the vigorous support of every major organization representing the media industry, journalists, historians, archivists and the public interest in government openness and accountability.

We owe it to our constituents to pass this legislation and ensure that the Freedom of Information Act provides actual access to government information to which the American people are entitled.

I urge all of my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself as much as I may consume.

Mr. Speaker, we have a bit of irony in play here on the House floor. This week the Democratic leadership has declared it Open Government Week, Open Government Week as we take up amendments to the Freedom of Information Act, an act that is incredibly important as a tool for us to hold our government accountable because it gives people the opportunity to access information that can be reviewed by people to determine what action needs to be taken.

But, unfortunately, in the middle of this Open Government Week we have a bill that is coming to the floor, not the bill that went to the committee, not the bill that went through the subcommittee hearings, but an amended bill that has not been reviewed, and was handed to us 10 minutes ago.

Now, the reason why bills come on the Suspension Calendar where we agree to suspend the rules is because they are bills that have been fully vetted, that have openness to them, and that people are aware of what they are and have the opportunity to review them when we have an understanding that more than a majority of this House supports what is in that bill.

But today, without prior notice, and 10-minute amendments to the bill, we have a bill that we are currently reviewing to determine what changes have been made and what the implications would be.

Some of the speakers on the other side of the aisle talked about in Open Government Week that we wanted to make certain that there weren't backroom deals that were being made. Well, clearly the bill, unfortunately, that comes before us on the Freedom of Information Act is the product of a backroom deal where the majority of this House is going to be left with reviewing it to determine what is in it after it had come through our committee and subcommittee.

So my comments about this bill will be about the one that came from the committee and the subcommittee that the subcommittee Chair and the chairman worked so hard in a bipartisan way to bring to this floor.

I know others on this side of the aisle will be reserving their comments for the areas of the bill where it has been modified, where the backroom deals have been made. And we are all unaware of its impact.

The Freedom of Information Act is a popular tool for inquiry for the press, researchers, business, attorneys, activists. But most importantly, it remains a tool for the citizen. Improving the procedural aspects of the act is certainly a worthy goal.

Legislation designed to streamline and improve the Freedom of Information Act process was introduced last Congress by the gentleman from Texas (Mr. SMITH). His bill, H.R. 867, has moved through subcommittee to the full committee. This was a solid bipartisanship bill that Republicans introduced and guided through the legislative process. This year the majority took that bipartisanship bill and made a few changes.

Republicans offered two amendments that were not included in the reported

bill. First, the attorneys' fee provision appears to significantly lower the bar for the recovery of fees, making it easier for those seeking information from the Federal Government to recover legal fees.

The language in this bill differs from that in H.R. 867. The Supreme Court has ruled on this matter in the Buckhannon case, and now some fear the effect of this decision, what it might have on their ability to get attorneys' fees.

The language of section 4 of this bill would make plaintiffs eligible for attorneys' fees in almost any case, so long as they can show that the defending government agency somehow changed its position once the case had commenced. I hope we can closely consider the rationale behind this provision, and its implications for the numerous Federal statutes providing for attorneys' fee awards where the United States or a Federal agency or official is a party. You have to assume that if this is the provision that passes, everyone litigating under any private right of action will clamor for the same favorable legislative treatment.

An amendment was offered in committee to strike section 4 to preserve settled judicial precedent regarding attorneys' fees and highlight this issue. I hope my colleagues in the House and the other body will take a close look at this section as the legislation moves forward.

Second, the majority has taken to heart various groups' concerns about the so-called Ashcroft memo. During President Clinton's administration, Attorney General Janet Reno issued a memorandum establishing a presumption of disclosure if no foreseeable harm would result from the release of information.

Shortly after 9/11, and recognizing the challenges of the standard and the challenges that we face in the global war on terror, Attorney General Ashcroft issued a memorandum that encouraged agencies to carefully consider the protection of the values of interest embodied in the statutory exemptions to FOIA when making disclosure determinations.

I understand that there are serious concerns with this section, and I understand the gentleman from Texas (Mr. SMITH) will speak on this bill and this provision.

Nevertheless, I hope that we continue to balance the need for open government with the need to protect information vital to national security and homeland security, and I hope we keep in mind the importance of individual privacy throughout this debate.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I yield 5 minutes to the distinguished chairman from California, Mr. WAXMAN.

Mr. WAXMAN. Thank you very much, Mr. CLAY, the chairman of the subcommittee, and I thank the gentleman from Ohio, the ranking member of the subcommittee.

Mr. Speaker, I first of all have to express my regret in response to the complaint that, while we have openness in government, we had an amendment to this bill suddenly presented to the minority.

□ 1130

And let me explain why that happened. The legislation before us was completely bipartisan in committee. I don't think anybody voted against the bill passing out of our committee, for all the reasons that both the Chair of the subcommittee and the ranking member described, and I would like to get into those substantive issues as well, because this is the best known and most important of the freedom of information that people look to when they want to be able to find out what government is doing. It is called the Freedom of Information Act for that reason.

But we did not have presented to us in committee any objection to the fact that there is a score on this bill of $7 million. But because there is a score, we found out last night that there might be an objection to the bill; and we didn't want to have an objection to the bill, possibly cause people to come to the floor and vote against something as important as the Freedom of Information Act. So we added an amendment to the bill that simply provided that the $7 million, which, by the way, is only expended if the government is sued and loses and has to pay the penalty owed to people for withholding the information. But because there is a $7 million score, we added to this bill that there would be nothing paid unless there is an appropriation of that money. So the bill would not be scored as costing any money at all.

I wish we had more time to bring this to everyone's attention, but no one brought to our attention in the committee that there was concern about this score.

Nevertheless, this bill goes to the heart of the public's access to find out information about what its government is doing. And as we look at what we have designated ''Sunshine Week,'' we are considering this legislation to improve and strengthen this vital law.

H.R. 1309 has been in effect for 40 years, but yet we have a dozen provisions that will increase public access to information under FOIA. These provisions will help FOIA requesters obtain timely responses to their requests, reduce the backlogs at agencies, increase transparency in agency compliance, and provide an alternative to litigation for requesters who are facing delays or denials.

In addition, this bill will restore an important element of the Freedom of Information Act, the presumption of disclosure. Through memoranda issued in 2001 and 2002, the Bush administration discouraged agencies from releasing any document if they could find a technical reason for withholding it. This bill before us today reverses this policy by codifying the presumption of disclosure. Under this bill, agencies will revert to their former policies that emphasized public disclosure and supported the withholding of information only when the agency could foresee a harm from disclosure. This is an important change that will ensure continued public access to government information.

The bill is a bipartisan bill, it is an important bill for openness in government, and I urge my colleagues to support the legislation.

Mr. TURNER. Mr. Speaker, I appreciate the chairman's description of that. I do want to note that my understanding of the applicable dates are that the markup of our bill occurred on March 8 and the CBO cost estimate I believe is dated March 12, which would explain perhaps why there were no objections in the committee.

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I came to the floor to oppose the bill not on the merits of the FOIA policy, but on the grounds that this bill had a budget section 303 point of order against it and that it violated the new PAYGO rules we have before us.

This bill that we just now got 10 minutes ago, as we read it, we believe does not violate section 303 of the Budget Act or the PAYGO rules. But I think the point I would like to make is this: 10 minutes ago this bill did have a section 303 violation against it; 10 minutes ago this bill did violate the majority's own PAYGO rules they put in place less than 10 months ago. And it scores not just a $7 million, but a $63 million increase over 10 years. So $63 million over 10 years is a lot of money. And given the fact that this new amended bill, as it appears as we read it, does have the required language, subject to appropriations, that it is not out of order, it doesn't waive the PAYGO rules because it does pay for itself subject to appropriations.

I will withhold my objection, but I simply want to say to the majority this place would run a lot better if, when we put bills on the calendar and bring them to the floor, that they comply with the rules that the majority themselves put in place just 2 months ago with respect to PAYGO and with respect to the Budget Act. I just think the whole place would work a lot better if we do that. Then we get on to debating the merits of this legislation.

I think FOIA is an important tool. It needs to work better. I think there is a lot of merit to that point. But let's make sure that as we take a look at our budget problems, and they are enormous, our budget problems, if we can't make sure that bills that spend $63 million over 10 years can't comply with the Budget Act, can't comply with PAYGO, who is to say that bills that spend $2.9 trillion like our Federal budget can comply with it? So if we

can't get the rules right on small bills, who is to say we are going to get the budget discipline rules right on the big bills?

Fiscal discipline starts one step at a time, starts one bill at a time. We have got to get fiscal discipline rules in place and right on small business, especially if this Congress is going to get our arms around our larger fiscal problems.

That is simply the point I want to make to the chairman.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding to me, and I just want to say what is seldom said on the House floor, that I agree with you. And we tried to correct the problems so that we didn't make the error that would have violated our PAYGO principles. And I thank the gentleman for pointing it out, and I think you have raised a very good point and we should all be mindful of it, including the points about the deficit, which I strongly think we need to deal with. So we will have differences about that, but I do want to show my agreement with your basic statement.

Mr. RYAN of Wisconsin. I appreciate the gentleman.

Mr. CLAY. Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I appreciate my colleague from Ohio yielding me time, and I also want to thank Ranking Member TOM DAVIS and Chairman HENRY WAXMAN for their hard work on this issue. I know how strongly they feel about the need for more open government, and I and many others appreciate their efforts.

The process for obtaining government information is overly burdensome, and Federal agencies have become less and less responsive to requests for information. This deters citizens from obtaining information to which they are entitled.

H.R. 1309, the Freedom of Information Act Amendments of 2007, has much to recommend it, but it contains at least one fatal flaw, the statutory presumption of disclosure. For that reason, I oppose this legislation.

The presumption of disclosure would reverse the FOIA guidelines set out by former Attorney General John Ashcroft. Shortly after September 11, 2001, then-Attorney General John Ashcroft directed that FOIA be used to ensure an open and accountable system of government while at the same time protecting national security and personal privacy.

The directive encouraged agencies, when making a decision on discretionary disclosure, to carefully consider whether national security, privacy, and government's interest would be jeopardized.

Unfortunately, this bill only exacerbates national security and personal privacy concerns. Instead of allowing agency discretion regarding national security concerns, this statutory language would mandate the release of information if the information does not blatantly fall under an existing exemption.

For instance, under the bill's language there is no discretion to determine whether the information requested will invade personal privacy. Also, if information requested is required by FOIA to be released, under this language it could tip off a terrorist to an investigation that is being conducted. So the bill could set in motion events that could compromise our national security.

Last year, neither the House nor Senate bipartisan legislation included this questionable presumption of disclosure language. It is my understanding that this year's bipartisan Senate version also will not include this questionable language. And, furthermore, Mr. Speaker, the administration opposes this provision, too.

There is no good reason to support a flawed bill, and I encourage my colleagues to oppose it.

Mr. Speaker, I would ask unanimous consent to have the statement of opposition by the administration be made a part of the RECORD.

STATEMENT OF ADMINISTRATION POLICY—H.R. 1309—FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007—(REP. CLAY (D) MISSOURI AND TWO COSPONSORS)

The Administration shares the goals of H.R. 1309 of increasing the timeliness of Freedom of Information Act, FOIA, responses and ensuring a customer-oriented approach to FOIA processing. The Administration has been pursuing these goals, and will be continuing to pursue them, through the strong management review and reforms that the President directed 15 months ago in the first-ever Executive Order on FOIA—Executive Order 13392, ''Improving Agency Disclosure of Information''—which he signed on December 14, 2005.

However, the Administration cannot support H.R. 1309. The Administration believes it would be premature and counterproductive to the goals of increasing timeliness and improving customer service to amend FOIA before agencies have had sufficient time to implement the FOIA improvements that the President directed them to develop, put into place, monitor, and report on during FYs 2006 and 2007. For example, as explained below, several of the bill's provisions would impose substantial administrative and financial burdens on the Executive Branch. These provisions could result in slower, not faster, agency processing of FOIA requests, and the personnel and funds needed to implement them would have to come from existing agency resources. Moreover, the agency reports that were issued last summer, and the improvement plans that are being implemented, illustrate that the challenges that agencies face in responding to FOIA requests are often unique to each agency and, therefore, require agency-tailored reforms, not a government-wide, one-size-fits-all legislative approach.

The Administration's specific concerns with the bill include the following.

The Administration strongly opposes expanding the definition of ''representative of the news media.'' The bill would exempt a larger class of requesters from the obligation to pay fees assessed for searching for responsive documents. Expanding the definition would have serious fiscal consequences for the Executive Branch. Moreover, with no requirement that requesters pay search fees, they have no incentive to tailor their requests and will likely make overly broad requests, which, in turn, will stretch agency resources and increase the time it takes to process all requests. Further, under current law, agencies have authority to waive or reduce fees upon a determination that disclosure of information will contribute significantly to public understanding.

The Administration also strongly opposes reinstating the so-called ''catalyst theory'' for the reimbursement of FOIA litigation fees. The Administration is concerned that its reinstatement would serve as a disincentive to an agency's voluntarily revisiting decisions and improving procedures with respect to FOIA requests, because doing so could make the agency liable for a complainant's legal fees. Furthermore, the bill could be interpreted to include an ''administrative action'' through the FOIA appeals process as a possible means by which a requester can obtain ''relief'' that would justify attorneys fees. Such an interpretation would be a major departure from long-standing administrative law practice and would severely undercut the traditional function of the administrative appeal process, which is designed to provide the requester with an avenue of further review at the agency, thereby reducing the likelihood of a lawsuit. If this provision covers relief provided at the administrative appeal stage, this could increase the FOIA program costs dramatically and would serve as a disincentive to release records at the administrative appeal stage.

The Administration strongly opposes commencing the 20-day time limit for processing FOIA requests on the date that the request ''is first received by the agency,'' and preventing the collection of search fees if the timeline is not met. This provision represents a very significant change from current practice in which the 20-day clock begins once the appropriate element of an agency has received the request in accordance with the agency's FOIA regulations. The provision fails to take into account the complexity of many requests, the need to consult with other Executive Branch entities, or the need to search for records in multiple locations, including at Federal records centers. As noted above, the Executive Order requires agencies to implement improvement plans specifically focused on eliminating or reducing any backlog of FOIA requests, and the Justice Department's preliminary review of the agencies' annual reports indicates that some agencies have already realized meaningful backlog reductions.

The Administration is opposed to the creation of an ''Office of Government Information Services'' within the National Archives and any intent that the proposed Office would be given any sort of policymaking role with respect to FOIA compliance. The FOIA compliance function remains appropriately placed with the Department of Justice, the lead agency in implementing Executive Order 13392.

Finally, the Administration strongly opposes the provision in the bill that appears to be an attempt to repeal Attorney General Ashcroft's FOIA Memorandum and return to Attorney General Reno's pre-9/11 FOIA guidance. The Administration believes that the structure of the FOIA reflects the appropriate balance between the public's right to know how the government is operating and the equally important need to safeguard certain information, such as that pertaining to personal privacy or homeland security.

Mr. CLAY. Mr. Speaker, at this time I yield 4 minutes to my distinguished colleague from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding and for his leadership, along with Mr. WAXMAN, on working on so many sunshine bills to make government more open and accountable to the citizens, to our taxpayers, to the American public. And an important part of sunshine is the Freedom of Information Act Amendments, it is a tremendously important bill, H.R. 1309, of 2007.

Since coming to Congress, I have been working on this committee, and improved FOIA processes which are critical to an open government and making our government more transparent is very fundamental to our democracy.

We have made improvement over the years, and I am pleased to have been one of the authors of the Electronic Freedom of Information Act of 1996. This important law was intended to make FOIA more efficient by providing public access to information, including in an electronic format.

The Oversight and Government Reform Committee, of which I am a member, has held many hearings on FOIA over the past few years, and we have learned that it has not progressed as well as we had hoped. Some agencies and Departments are doing a better job of fulfilling freedom of information requests, while some continue to have terrible records and lag far, far behind. Requesters often wait months or years to find out the status of their requests or to obtain the information. And I am pleased that we have report language that clarifies that they have to get back quickly on requests and at least let them know where they are.

As a result, the backlogs at agencies and Departments continue to grow, and frequently the only recourse for the denial of requested information is to file lawsuits. But many people, many Americans cannot afford the high costs associated with court costs. So by not moving in a timely manner, you are depriving them of this information.

H.R. 1309 includes many important provisions that my colleagues have spoken about and that I hope will improve the process and eliminate the problems that exist in today's system, including an amendment that I offered in committee that would provide for greater disclosure to the FOIA requester about the exemption under which a deletion has been made from requested material.

I often hear from constituents, they come to my office with piles of FOIA requests and like the whole thing is redacted and there is absolutely no explanation why. This is really not fair, and we hope that this amendment will improve the process.

I am pleased that it was accepted in a bipartisan way by Ranking Member DAVIS and Ranking Member TURNER. I really feel this legislation is long overdue, and I commend Chairman WAXMAN and Ranking Member DAVIS and Chairman CLAY and Ranking Member TURNER for bringing this bipartisan legislation to the floor with the many other very important sunshine bills to make our government more open and accountable to the American public.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I rise in support of H.R. 1309, the Freedom of Information Act Amendments of 2007.

Open and accountable government make up the cornerstones of good government. This legislation before us today seeks to strengthen these cornerstones.

The Freedom of Information Act was signed into law over 40 years ago, in July 1966, enacted after 11 years of debate. FOIA established a statutory right of public access to executive branch information.

FOIA provides that any person has the right to obtain Federal agency records. Originally, the act included nine categories of information protected from disclosure, and Congress has added additional exemptions over time.

Balancing the need for open government with the needs to protect information vital to national security and personal privacy is a constant struggle. Federal Departments and agencies are operating in the post-9/11 information age and face 21st century security, information management, and resource challenges.

As we seek to achieve this balance we must remember the words of Thomas Jefferson who said, ''Information is the currency of democracy.'' FOIA is an essential tool to ensure that the citizens of our great Nation have access to information in the way that Thomas Jefferson envisioned.

Over the past several years, the Government Reform Subcommittee on Government Management, Finance, and Accountability, on which I had the privilege to serve as Chair, conducted multiple hearings on FOIA implementation.

□ 1145

In response to legislative proposals introduced last session in the House and Senate, as well as the oversight conducted by the subcommittee, President Bush issued Executive Order 13392, entitled Improving Agency Disclosure of Information, on December 14, 2005. This document sought to improve the overall processing of FOIA requests, creating a more citizen-centered and results-oriented approach to information policy. And I certainly commend the administration for their efforts.

In response to that effort, though, we believed further work was needed. On September 27, 2006, the subcommittee marked up legislation very similar to that legislation before us here today. Specifically, the OPEN Government Act, introduced by my colleague from Texas, LAMAR SMITH, like the bill before us today, would close loopholes in FOIA, help requesters obtain more timely response, and provide FOIA officials with the tools they need to ensure that the Federal Government remains open and accessible.

While the legislation before us today includes provisions not included in Representative SMITH's legislation from last session and to which he is currently opposed, I certainly want to commend Representative SMITH for his leadership and dedicated efforts to improve the Freedom of Information Act and to make government more open and accountable.

I also want to thank Chairman WAXMAN of the full committee and subcommittee Chairman CLAY for their efforts in moving this legislation forward quickly and, as well, recognize Ranking Member DAVIS of the full committee and Ranking Member TURNER at the subcommittee for their efforts.

This legislation is about open and accountable government. I urge a ''yes'' vote.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like to thank my colleagues on both sides of the aisle for working together on this bill to open up our government to the people of the United States. And I also want to thank Mr. SMITH, who has reservations about the bill, but I want to thank him for his leadership in championing the cause of freedom of information in this country.

I want to also thank my friend from Wisconsin for agreeing with us that the bill was modified since it came out of committee, and that modification was in order to eliminate the costs associated with the bill.

Let me say that H.R. 1309 champions the values of transparency and open government that we celebrate during Sunshine Week and that are embodied in the Freedom of Information Act. The bill does several things: It would reestablish the policy of previous administrations under which agencies were directed to disclose requested information unless the disclosure could result in harm. In addition, the bill proposes a government-wide ombudsman to mediate disputes between agencies and requesters. This would help to reduce the number of disputes resolved through costly and time-consuming litigation.

It does several other things: There is a requirement that agencies respond to FOIA requests within 20 business days or face meaningful administrative penalties. It establishes a publicly accessible tracking system for pending FOIA requests.

Mr. Speaker, in conclusion, H.R. 1309 provides a strong, reasonable, and bipartisan approach to streamlining FOIA and increasing transparency in government. I urge all of my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho and a member of our subcommittee (Mr. SALI).

Mr. SALI. Mr. Speaker, I rise today because of my serious concerns with section 4 of H.R. 1309.

As I begin, let me emphasize that I support the intent of H.R. 1309. Transparency in government is an important priority. I campaigned on it and voted for the new ethics package that came before this House in early January with the hope that Congress might be more openly accountable to those who elected us.

This is a government of, by, and for the people, and the people deserve to know what their government is doing. Except for critical issues of national security policy, there must be a much better level of openness in the conduct of the Federal Government and the access of the American people to information about it.

However, section 4 of the bill before us, as it is currently drafted, appears to authorize Federal courts to award attorneys' fees to a plaintiff even when the opposing parties mutually reach and execute a settlement agreement.

The policy of FOIA is, and should be, to expedite and streamline production of documents falling within the statute. My concern is that when a Federal statute provides attorneys' fees after the parties mutually reach a voluntary settlement, it runs contrary to that very goal. Resolution short of protracted litigation should be encouraged, not discouraged. The current proposed language of section 4 of H.R. 1309 may have a devastating, perverse effect.

Second, the statute may further allow plaintiffs to receive attorneys' fees in almost any case they file so long as they can show that the defending government agency, for any reason, changed its position once the case had been commenced.

While it is true that FOIA complainants often face an uphill battle when they deal with a Federal agency, the language, as proposed, invites litigation instead of resolving it. Additionally, the legislation, as drafted, may actually undermine the stated ''dominant objective'' of the act by giving an incentive by Federal Departments to avoid disclosure.

The question this raises in my mind, Mr. Speaker, is that given the provisions of section 4 of the bill, why would any agency settle? As I read the bill, once a lawsuit is commenced, any change in position by a Federal Department or agency would be tantamount to an admission of liability for attorneys' fees. This would only encourage the filing of a myriad of lawsuits. If lawyers know they will make money no matter what the outcome, they will see this as a great opportunity to file, file, and file again. We will likely see a cottage industry for litigants who may not even care about the underlying documents.

Because of the concerns I have that the current proposal provides incentives to prolong litigation, I cannot support this measure in its current form. I regret that because I want to vote for any bill that prudently opens the door of government to those whom government represents, our fellow citizens. But the law of unintended consequences is at play here, and unless we strike section 4, we will see massive new litigation that will only clog the Federal docket, hamstring legitimate functions of government, and cost taxpayers potentially untold millions of dollars.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the Chair of our subcommittee, Mr. CLAY, for his thoughtful approach to hearings on this matter and his leadership in shepherding this bill. I want to thank Chairman WAXMAN for his efforts in having a very bipartisan discussion in the committee on the bill. He was very welcoming of the input from all of the committee members.

Unfortunately, though, here, right in the middle of Open Government Week, we have the irony that this is not the bill that both of these gentlemen worked so diligently on a bipartisan basis for in the committee and subcommittee. It has been amended, unfortunately, as the other side of the aisle decried, in a back room by Democratic leadership in order to make the bill conform to the rules of the House for it to be able to move forward.

In the middle of Open Government Week, what does that mean? Well, it means that while we all stand up here and talk about the importance of freedom of information, and freedom of information is important because it gives people the ability to hold their government accountable; but as we all discuss that, we have a bill that is going to be moving forward and come before this House that the members of the committee did not see, the members of the subcommittee did not see, that each of them is going to have to review and have to have their staff review, that members of the public at large who may have been following this bill in the professional community or average citizens who had an interest in it will go to a Web site and look at a bill that was approved by the committee and approved by the subcommittee, but unfortunately, is not the bill that is before us.

And it is not before us because in the middle of Open Government Week, the bill that was placed before us was amended without the participation of the committee, without the participation of the subcommittee, and without the participation of this body. We will all come to vote on a bill that has been amended in a back room by Democratic leadership.

You have heard that there are a number of concerns that people on this side of the aisle have about the bill. As you are aware, this bill began as a Republican bill offered by Mr. SMITH of Texas, H.R. 867. It has been modified in several ways about which individuals do have concern. But the underlying principle, freedom of information, that encourages effective government and encourages government to be responsive, is one that we all support and hold dear and certainly we should continue to support the Freedom of Information Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1309, the ''Freedom of Information Act Amendments of 2007.'' This legislation contains a dozen substantive provisions that will increase public access to Government information by strengthening the Freedom of Information Act (FOIA).

Mr. Speaker, the principles embodied by FOIA are intended to make the Government, in President Lyndon B. Johnson's words, ''as open as the security of the Nation permits.'' But in recent years, Federal agencies have come to look on FOIA requests as something to be prevented and obstructed, rather than welcomed and facilitated. The bill before us will help end that way of doing business.

Mr. Speaker, H.R. 1309 restores the presumption of disclosure to FOIA by making it clear that records should be released to the public if disclosure is allowable under law and the agency cannot reasonably foresee any harm from such a disclosure.

Mr. Speaker, under current law, agencies are required to respond to a request for information filed under the FOIA within 20 days but as we all know, delays and backlogs are all too common. H.R. 1309 makes this deadline meaningful by ensuring that the 20-day statutory clock runs immediately upon an agency's receipt of a request. The bill imposes consequences on Federal agencies for missing the deadline. For example, agencies are prevented from charging processing fees whenever they failed to meet the 20-working day response deadline.

The bill also requires agencies to provide requesters individualized tracking numbers for each request and access to a telephone or internet hotline with information about the status of requests.

Another important feature of the bill is that it strengthens agency reporting requirements to identify excessive delays and requires each agency to make the raw data used to compile its annual reports publicly available. Also, the bill requires the Government Accountability Office to report annually on the Department of Homeland Security's use of the broad disclosure exemption for ''critical infrastructure information.''

I also commend to Members another feature of H.R. 1309 that should reduce the need to resort to litigation. The bill creates the new position of FOIA Ombudsman to help FOIA requesters resolve problems without having to turn to the courts. The FOIA ombudsman will be located at the National Archives and will help requesters by providing informal guidance and nonbinding opinions regarding rejected or delayed FOIA requests. The FOIA ombudsman will also review agency compliance with FOIA.

Last, Mr. Speaker, H.R. 1309 makes it more feasible for citizen groups to challenge the improper withholding of Government information by expanding access to attorneys' fees for FOIA requesters who successfully challenge

an agency's denial of information. The bill also holds agencies accountable for their decisions by enhancing the authority of the Office of Special Counsel to take disciplinary action against Government officials who arbitrarily and capriciously deny disclosure.

Mr. Speaker, I strongly support H.R. 1309 and urge all my colleagues to join me in supporting this legislation that will restore public confidence in the administration of the executive branch of the Federal Government.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this bill, which will increase the transparency and accountability of the Federal Government by making a number of long-overdue revisions to the Freedom of Information Act, or FOIA.

The bill will reemphasize that disclosure is to be the rule, secrecy the exception. It will help people seeking documents to get timely responses, and improve transparency in agency compliance. It will reduce the need for people seeking documents to go to court, and provide accountability for agency decisions on whether to release requested information.

Mr. Speaker, the enactment of FOIA in 1966 was a watershed. It established as fundamental policy the principle that information within the government's control should be available and established a presumptive right for the public to obtain identifiable, existing records of Federal agencies. Anyone can use FOIA to request access to Government information. Requesters do not have to show a need or reason for seeking information, and the burden of proof for withholding requested material rests with the department or agency that seeks to deny the request. Agencies may deny access only to records, or portions of records, that fall within certain specific categories.

FOIA has been used effectively by journalists, public interest organizations, corporations, and individuals to access Government information. But the process could be better—because of delays and backlogs, requesters often have found it hard to learn about the status of their requests, and a recent Supreme Court decision has hampered requesters' ability to litigate their claims.

H.R. 1309 would address these and other concerns about the implementation of FOIA. It is a modest measure, but an important one that deserves the approval of the House.

That's especially true because, as the Rocky Mountain News noted in a recent editorial, ''The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. . . . President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward.''

For the information of our colleagues, I attach the complete text of that editorial:

[From the Rocky Mountain News, Mar. 13, 2007]

OPEN RECORDS UPGRADE

CONGRESS HAS CHANCE TO IMPROVE CRITICAL LAW

We welcome bipartisan efforts in Congress to beef up the Freedom of Information Act—the four-decade-old law that affords citizens access to the inner workings of the executive branch.

FOIA could certainly stand a little love, as open Government has been attacked many times since Lyndon Johnson signed the act into law July 4, 1966.

The revisions to FOIA in H.R. 1309, which could come before the full House as early as today, would both shine more light on the nooks and crannies of federal bureaucracies and force agencies to better respect the spirit of the law.

Here are a few of the improvements:

The Government would have to act on FOIA requests more quickly. Agencies that did not respond to a request within 20 business days would forfeit any copying and research fees; agencies are now supposed to respond within that period, but there are no penalties.

Federal departments would have to set up FOIA hotlines and individual tracking numbers so that people and organizations that file FOIA requests can easily follow the process.

Citizen journalists and freelancers would gain new credibility. An agency could no longer summarily deny FOIA requests from journalists who are not employed or under contract with established media organizations or watchdog groups. Such requests from unaffiliated individuals can now be rejected.

The amended law would force agencies to consider any request to disseminate information to a broad audience as legitimate, particularly if the party making the request has any record of publication (including bloggers).

The Government would have to reimburse the legal fees of more parties that sue under FOIA. Currently, there's only one way a party that has filed suit to enforce a FOIA request can get repaid: The Government has to lose in court. The amendments would force agencies to repay attorney fees if the government turns over records before a final ruling is issued. This would prevent agencies from sticking media groups with attorney fees by surrendering records just before a judge rules.

The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. Former Attorney General John Ashcroft urged Federal agencies to fight FOIA requests and not presume that the public has a right to know what goes on inside the executive branch. The administration also placed gratuitous limits on requests to the Department of Homeland Security.

President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward.

Mr. TURNER. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TURNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1254, by the yeas and nays;

H.R. 1255, by the yeas and nays;

H.R. 1309, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 34, not voting 9, as follows:

[Roll No. 142]

YEAS—390

Abercrombie	Boyda (KS)	Cuellar
Ackerman	Brady (PA)	Cummings
Aderholt	Brady (TX)	Davis (AL)
Akin	Braley (IA)	Davis (CA)
Alexander	Brown, Corrine	Davis (IL)
Allen	Brown-Waite, Ginny	Davis, David
Altmire	Buchanan	Davis, Lincoln
Andrews	Burton (IN)	Davis, Tom
Arcuri	Butterfield	Deal (GA)
Baca	Buyer	DeFazio
Bachmann	Calvert	DeGette
Bachus	Camp (MI)	Delahunt
Baird	Cantor	DeLauro
Baker	Capito	Dent
Baldwin	Capps	Diaz-Balart, L.
Barrett (SC)	Capuano	Diaz-Balart, M.
Barrow	Cardoza	Dicks
Bean	Carnahan	Dingell
Becerra	Carney	Doggett
Berkley	Carson	Donnelly
Berman	Carter	Doyle
Berry	Castle	Drake
Biggert	Castor	Dreier
Bilbray	Chabot	Duncan
Bilirakis	Chandler	Edwards
Bishop (GA)	Clarke	Ehlers
Bishop (NY)	Clay	Ellison
Bishop (UT)	Cleaver	Ellsworth
Blackburn	Clyburn	Emanuel
Blumenauer	Cohen	Emerson
Blunt	Cole (OK)	Engel
Boehner	Conyers	Etheridge
Bonner	Cooper	Everett
Bono	Costa	Fallin
Boozman	Costello	Farr
Boren	Courtney	Fattah
Boswell	Cramer	Feeney
Boucher	Crenshaw	Ferguson
Boustany	Crowley	Filner
Boyd (FL)		Forbes

Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—34

Bartlett (MD)
Barton (TX)
Burgess
Campbell (CA)
Cannon
Coble
Conaway
Cubin
Culberson
Davis (KY)
Doolittle
English (PA)
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Hastert
Hensarling
Hoekstra
Jones (NC)
King (IA)
Kingston
Lamborn
Linder
Manzullo
McHenry
Myrick
Paul
Sensenbrenner
Shadegg
Tancredo
Walberg
Westmoreland

NOT VOTING—9

Brown (SC)
Davis, Jo Ann
Eshoo
Granger
Kanjorski
Meehan
Miller, George
Saxton
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1223

Messrs. COBLE, CONAWAY, DAVIS of Kentucky, KINGSTON, ENGLISH of Pennsylvania, LINDER, TANCREDO, KING of Iowa, BURGESS, SENSENBRENNER, HOEKSTRA, WALBERG, HENSARLING, LAMBORN, and CANNON, Ms. FOXX and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

Mr. JACKSON of Illinois changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1255, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 93, not voting 7, as follows:

[Roll No. 143]

YEAS—333

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—93

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Buchanan
Campbell (CA)
Cannon
Cantor
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake

Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pence
Pitts
Poe
Price (GA)
Putnam
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Walberg
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Young (AK)

NOT VOTING—7

Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
Meehan
Miller, George
Saxton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1234

Mr. MARCHANT changed his vote from ''yea'' to ''nay.''

Mr. ROYCE changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 143 I inadvertently voted "nay." I meant to vote "yea."

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1309, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 117, not voting 8, as follows:

[Roll No. 144]

YEAS—308

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—117

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Blackburn
Boehner
Bono
Buchanan
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Cubin
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
Meehan
Miller, George
Saxton
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1242

Ms. ROS-LEHTINEN changed her vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. LEONARD L. BOSWELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sally Bowzer, District Director of the Honorable LEONARD L. BOSWELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court for Polk County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SALLY BOWZER,
District Director.

PROVIDING FOR CONSIDERATION OF H.R. 985, WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 239

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. An amendment in the nature of a substitute consisting of the text of the bill, modified by the amendments recommended by the Committee on Oversight and Government Reform now printed in the bill, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 985 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

□ 1245

Mr. HASTINGS of Florida. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to my good friend and colleague from Florida, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 239 provides for consideration of H.R. 985, the Whistleblower Protection Enhancement Act of 2007 under a structured rule. The rule provides 1 hour and 20 minutes of general debate with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. The remaining 20 minutes will be equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute, consisting of the text of the bill, modified by the amendments, recommended by the Committee on Oversight and Government Reform, and printed in the bill, shall be considered as adopted.

The bill, as amended, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

Now, the rule makes in order five amendments, three Republican amendments and two Democratic, which are printed in the Rules Committee report accompanying the resolution.

The amendments may be offered only in the order printed in the report, may be offered only by a Member designated in the report and shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent.

All points of order against amendments, except for clauses 9 and 10, are waived.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, today is an important day for the more than 2.7 million Federal employees who show us, day in and day out, their commitment to improving our great country. It is an important day because the House, in bipartisan cooperation, is closing the loopholes which permitted retaliation against Federal employees who have reported unlawful fraud, corruption, incompetence and abuse of power.

Today is an important day because the House is saying loud and clear that whistleblower protection is an essential component of government, of government accountability and of government fiscal responsibility.

Throughout our history, whistleblowers have played integral roles in improving our government and holding it accountable for its negligence. From Shawn Carpenter to Joseph Darby to Mark Felt, and everyone in between, whistleblowers have faced harsh penalties from those who would prefer that what they know is never shared with the public. They have, nevertheless, put their careers on the line, and in some instances even their lives, to do what they knew was the right thing to do. Their courage is to be commended and their conviction embraced.

When history judges this current administration, I believe it will look down upon the drastic and despicable actions taken by this administration, which have stifled those seeking to speak truth to power. These actions are, indeed, some of the very reasons why this bill is so desperately needed.

For example, in 2005, the Bush administration officials placed a gag on a senior NOAA official who was scheduled to give an interview arguing that global warming exists and has contributed to greater and stronger hurricane activity. Three weeks later, Hurricane Katrina made landfall, first in my State of Florida, and then in Louisiana and Mississippi and Alabama, killing hundreds and leaving hundreds of thousands homeless, jobless and ill.

How can we forget former CIA operative Valerie Plame? Her life, and the lives of others, were placed in jeopardy after the Vice President's chief of staff revealed her name to a reporter in retaliation for her husband, former Ambassador Joe Wilson, revealing that the administration lied about the existence of weapons of mass destruction in Iraq and where they were trying to retrieve uranium from Africa.

When the Bush administration hasn't been able to directly punish whistleblowers, it has simply tried to unilaterally change the law. Just this past September, after a senior Environmental Protection Agency scientist revealed that the administration had purposefully misled the public regarding the air safety at Ground Zero following the attacks of September 11, the Bush administration issued an executive order declaring that EPA employees are no longer covered by Federal whistleblower protections. That is outrageous.

These three high-profile cases, and there are a great deal more, these three capture only a small snapshot of the problems in the current administration. More importantly, they highlight the need for extended protection across all agency lines to Federal whistleblowers.

Unfortunately, for nearly the last decade, Federal whistleblowers have received nothing more than lip service. Let me make it very clear, I said for the last decade, that includes the previous administration and this one. Even when the House drafted legislation in 2002 establishing the Department of Homeland Security, it failed to

include whistleblower protections for DHS employees.

Now, I am proud that I was the author of the amendment which extended these protections and was the only Democratic amendment adopted by the House during consideration of the legislation. The protection of whistleblowers in recent years has unfortunately garnered only lip service. Today, the House is backing up these words with real action that protects our 2.7 million Federal workforce.

I close by noting that this bill is not perfect. That is why the Rules Committee has made five amendments in order, the majority of which, I might add, are going to be offered by our colleagues, the Republicans, on the other side.

Democrats are proud to continue our efforts to work in a bipartisan manner, and to provide the minority with many opportunities to improve already good legislation.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks during debate on House Resolution 239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend from Florida for the time.

Mr. Speaker, I yield myself such time as I may consume.

Congress has the constitutional duty to oversee the executive branch. In order to discharge our constitutional oversight responsibility, Congress depends on information obtained through agency reports and direct communication from Department heads. However, we also depend on information provided directly from employees within the agencies who are witnesses to the misuse of taxpayer dollars and alert Congress of the possible corruption or incompetence in management.

In 1989, Congress passed the Whistleblower Protection Act in an effort to strengthen statutory protections for Federal employees who assist in the elimination of fraud, waste, abuse, illegality or corruption.

H.R. 985 would modernize and expand this protection to Federal employees, with added whistleblower protection.

For example, the bill would extend protection to FBI agents, CIA agents, employees of the Defense Intelligence Agency, the National Geospatial Agency and the National Security Agency.

I think it is important to have whistleblower protection for the intelligence community. I would like to point out, however, that Congress has already passed such legislation. In 1998, Congress passed the Intelligence Community Whistleblower Protection Act to encourage the reporting to Congress of wrongdoing within the intelligence agencies.

In crafting the 1998 legislation, Congress sought to balance the need for information with national security requirements, giving intelligence community whistleblowers access to Congress but through the intelligence committees.

Yesterday, the Rules Committee denied the ranking member of the Intelligence Committee, Mr. HOEKSTRA, from offering an amendment striking section 10 of the bill. Section 10 conflicts with the provisions of the existing Intelligence Community Whistleblower Protection Act of 1998.

The amendment, I believe, should have been made in order. National security is obviously one of the most important issues that we deal with. Before we make changes to how Congress handles intelligence oversight, we should have a full and complete debate on that particular provision. We could have done that if the majority had made the Hoekstra amendment in order.

Under the bill, defendants in whistleblower cases will now be able to make their cases to any Federal district court if the Merit Systems Protection Board does not take action within 180 days.

Part of this provision will allow claims to be processed on a more timely basis than they are now. However, there are possible problems with the provision.

□ 1300

Yesterday, Oversight and Government Reform Committee Ranking Member DAVIS asked the Rules Committee that his amendment be made in order. His amendment sought to retain uniformity in the consideration of whistleblower cases in the Federal courts by keeping in place the current requirement that all whistleblower appeals go through the United States Court of Appeals for the Federal Circuit, rather than opening up appeals to all circuits.

Without the amendment, Federal employee whistleblowers could end up possessing a different set of rights and protections, depending on where they file their claim. However, unfortunately, the majority decided to close down the debate process on that issue, and refused to allow the House to debate that very important and meaningful amendment.

I believe the majority should have made those amendments, the Hoekstra amendment and the Davis amendment, in order, along with other important amendments brought before the Rules Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time, before yielding to my good friend and colleague on the Rules Committee, only to respond to my friend from Florida regarding an amendment that was not made in order of the ranking member of the Intelligence Committee.

I serve on that committee, and one amendment that was made in order contemplates everything that the ranking member of the Intelligence Committee might have provided in the amendment that he sought.

Quite frankly, I think Mr. TIERNEY's amendment, which we will have an opportunity to debate here on the floor, will give a full exploration of those matters having to do with whistleblower concerns in the intelligence community. So I commend that to my colleague and all here in this body.

Mr. Speaker, I am very pleased to yield to a new Member, who is not so new now, to the Rules Committee, my good friend, Mr. ARCURI from New York. I yield to him 4 minutes.

Mr. ARCURI. Mr. Speaker, I thank my good friend and colleague from the Rules Committee, the gentleman from Florida, for yielding.

Mr. Speaker, accountability is a word often used but seldom implemented. For the last 12 years it is as if Congress forgot one of its principal responsibilities is to demand accountability from the administration and protect the American people from waste, fraud and abuse.

The Whistleblower Protection Enhancement Act, which this rule provides consideration for, will provide additional transparency and accountability for the way the Federal Government spends tax dollars of the hardworking Americans.

It is no secret that the only way we can truly gather firsthand accounts of instances where waste, fraud and abuse occur is from the people on the inside, the Federal employees. Unfortunately, not all Federal employees are currently protected from being fired if they unmask corruption or other fraudulent activities going on inside the administration.

This legislation goes right to the heart of the issue by extending much needed whistleblower protections to Federal Government employees working on national security, government contractor employees and transportation security employees, including baggage screeners at our airports. It only makes sense that Federal employees, especially those who have undergone extensive background investigations, obtained security clearances and handled classified information on a routine basis, be afforded the same rights and whistleblower protections as all other Federal employees.

In addition, this legislation takes some very important steps. It would abolish the U.S. Circuit Court of Appeals for the Federal Circuit's exclusive jurisdiction for overhearing whistleblower appeals cases, taking away its Supreme Court-like jurisdiction and allowing the appropriate Federal appeals courts in the respective circuit where the incident took place to hear such cases.

For instance, if the instance of whistleblowing were to occur in New York, in my district, that is the Second Circuit. The initial decision rendered by the Second Circuit should be appealed in the Second Circuit. It should not be required to come to the Federal Circuit here.

The current appeals structures for hearing whistleblower cases not only places a hefty financial burden on individuals who would have to travel from across the country to D.C. just to have their appeal heard, it also provides a disservice to our Nation's legal system by overburdening one court.

As a former district attorney, I know from experience that having the ability to draw on decisions from similar cases rendered from different courts around the country would greatly improve our legal system. It would benefit all parties involved, and further enhance our Nation's exceptional legal system. Further, by allowing other Federal circuit appellate courts to hear whistleblower appeal cases increases the opportunity for those cases to be heard by the United States Supreme Court.

Mr. Speaker, it is time to level the playing field for all Federal employees who have the courage to stand up for the American people.

I urge my colleagues on both sides of the aisle to support this rule and the Whistleblower Protection Enhancement Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to begin by thanking my friend from Miami and my friend from Fort Lauderdale. We have got this Sun Belt linkage now here. The only thing in between it was somebody from upstate New York there. And I know he likes that better than Los Angeles, as he told me up in the Rules Committee just before we were going into our last break. But I am proud that there are three of us at least who come from the Sun Belt who are representing this debate on this rule.

Mr. Speaker, I do rise to reluctantly oppose both the rule and the underlying legislation. The bill is very well-intentioned, and it is designed to clarify and expand the laws regarding those who try to expose waste, fraud and mismanagement in the Federal Government.

Whistleblowers, oftentimes, put their jobs at risk to expose wrongdoing in the workplace, and whistleblowers are absolutely crucial to our Nation's security, safety and success as well. I believe very much that their protection is an inherent right for all employees, and it needs to be maintained.

In addition, the whistleblower protections enable Congress to fulfill our constitutional responsibility of overseeing the executive branch. It is imperative that we do that. We need to recognize that we are a separate and coequal branch of our Federal Government. We have a right to know the actions of the executive branch and to oversee the implementation of the laws that we create as Members of this body, and whistleblowers are a very crucial part of that.

Now, Mr. Speaker, I do support the idea of expanding and modernizing whistleblower protection laws. But, unfortunately, I believe that this legislation ends up falling short of that very important goal to which I believe we all aspire.

The bill aims to extend whistleblower protections to Federal workers who specialize in national security issues. These workers include employees of the FBI, the CIA, the Defense Intelligence Agency, among others. Unfortunately, the bill raises significant national security concerns that have really led me to conclude that I can't support this bill in its present form.

Within its oversight obligations, Mr. Speaker, Congress is tasked with protecting highly classified intelligence programs. It is absolutely critical for us to ensure that any oversight is conducted by Members and staff with the appropriate experience and expertise.

Now, this bill, in its current form, compromises that duty and outlines new procedures that have the potential to expose highly classified national security programs and information.

Now, during the Rules Committee hearing yesterday, an amendment was offered by the ranking member of the Permanent Select Committee on Intelligence, Mr. HOEKSTRA. And I just heard my friend from Fort Lauderdale, who has served very ably as a member of the Intelligence Committee, as well as on the Rules Committee, say that there is another amendment designed to address this.

But, frankly, I believe very strongly that the amendment that was filed in a timely manner by the gentleman from Michigan (Mr. HOEKSTRA) was one that was not made in order, and I believe really best takes on this issue of dealing with a better way to ensure the security of this important, very important information.

Now, Mr. Speaker, 10 amendments were offered at the Rules Committee, and while I commend the majority for making five of those 10 amendments in order, I do believe that an open rule would have been more appropriate. Give the Members of this body the opportunity to offer amendments to important pieces of legislation like this, not just on noncontroversial bills, which is what we have seen the open rule procedure used for in the past.

At the very least, Mr. Speaker, I think we should have made all 10 of the amendments that were submitted to the Rules Committee in order so that we could have had a free flowing debate on these, and we would have had a chance for people like the ranking member of the committee of jurisdiction here, the Oversight and Government Reform Committee, Mr. DAVIS, who served very ably as the chairman of that committee before we saw last November's election make this change. This former chairman, the now ranking member, sought to offer an amendment, and he also was denied a chance to offer that amendment.

I do commend my California colleague, Mr. WAXMAN, the distinguished chairman of the committee, as well as Mr. DAVIS, for their hard work and expertise on this very critical issue. Unfortunately, I believe that the bill does, as I say, fall short of that goal. The goal really is an important one, as I said, to ensure that whistleblowers help us meet our constitutional responsibility for oversight of the executive branch.

But the national security concerns that have been raised I think are such that, in its present form, I am not going to be able to support this measure.

So, Mr. Speaker, I do urge my colleagues to vote against this rule. And as I said, I am troubled enough that the bill itself, in its current form, is not legislation that I can support.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and classmate, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I rise, Mr. Speaker, in strong support of the rule, H. Res. 239, and the underlying bill, H.R. 985, the Whistleblower Protection Enhancement Act.

And I want to commend, not only the Rules Committee for coming forward with a fair rule, but also Chairman WAXMAN and Ranking Member DAVIS for moving this important bill out of the Government Reform and Oversight Committee on which I serve.

The Whistleblower Protection Act has been weakened by court cases in recent years, and even the weak protections offered under the Whistleblower Protection Act do not apply to national security whistleblowers or contractors at those agencies.

The Oversight Committee repeatedly has heard from people who have had their security clearances revoked after blowing the whistle. In some cases they have been fired for pointing out lapses in security, for pointing out waste, fraud and abuse.

We have been told that wrongdoers have been allowed to continue their actions, while the whistleblowers have been the ones that have been made to suffer. This is absolutely wrong.

In the 109th Congress I was joined by my colleague, DIANE WATSON, in offering an amendment during the committee's consideration of the Federal Employee Protection of Disclosures Act, that would have extended whistleblower protections to employees in national security and in the intelligence community.

I would argue, and I believe many of my colleagues would agree, that revealing lapses in the security of our

Nation is a national security priority above all. Whistleblowers in these categories should be protected.

And I am thrilled that, under Democratic leadership, this has been included in the bill, that these protections have been extended to employees of intelligence agencies, and to Federal contractors in intelligence agencies. This is an important step forward for the American public. This is an important step forward, I would argue, for the national security of our country.

Whistleblowers are heroes and heroines. They should not be turned into villains and be harassed out of their jobs, denied their security clearance because they see a breach in security or a breach in accountability in our government.

So I am thrilled with this Democratic bill, and I urge my colleagues to vote for the rule and also for the underlying bill. I urge all of my colleagues to support it. It had bipartisan support coming out of our committee.

□ 1315

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank again my distinguished friend from Florida for his courtesy in yielding the time.

Mr. Speaker, we will oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order the amendment offered yesterday in the Rules Committee by the gentleman from Michigan, the ranking member of the Permanent Select Committee on Intelligence, Mr. HOEKSTRA.

The Hoekstra amendment would safeguard our national intelligence and allow the Intelligence Committee to appropriately address whistleblower concerns through regular order. While the Tierney amendment which was made in order, as was pointed out by my good friend, attempts to address these concerns, it still allows the possible disemination, we believe, of highly sensitive information to individuals outside of the Intelligence Community and, therefore, may put our security at risk.

Mr. Speaker, I ask unanimous consent to insert the text of the Hoekstra amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. At this time, Mr. Speaker, I urge all Members to oppose the previous question, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, the underlying legislation is desperately needed. Federal employees need to know that Congress is on their side. They need to know that their jobs will not be at risk if they choose to reveal fraud, abuse of power, neglect, or corruption in their workplace.

The extension of these whistleblower protections is absolutely critical to our national security and our government accountability. I am proud to support the underlying legislation and hope that my colleagues will do the same. This is a fair rule for a bill that is supported by Members from both sides of the aisle, including the chairman and ranking Republican of the Government Reform Committee.

I urge a ''yes'' vote on the previous question and on the rule, Mr. Speaker.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 239

OFFERED BY REP. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Hoekstra of Michigan or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike section 10 of the bill and conform the table of contents accordingly.

Redesignate sections 11 through 14 as sections 10 through 13, respectively, and conform the table of contents accordingly.

In section 11(a)(2), as redesignated, strike ''section 2303a (as inserted by section 10)'' and insert ''section 2303''.

In section 13, as redesignated, strike ''section 12(a)(2)'' and insert ''section 11(a)(2)''.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 239, if ordered, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 12, as follows:

[Roll No. 145]

YEAS—224

Abercrombie	Brady (PA)	Courtney
Ackerman	Braley (IA)	Cramer
Allen	Brown, Corrine	Crowley
Altmire	Butterfield	Cuellar
Andrews	Capps	Cummings
Arcuri	Capuano	Davis (AL)
Baca	Cardoza	Davis (CA)
Baird	Carnahan	Davis (IL)
Baldwin	Carney	Davis, Lincoln
Bean	Carson	DeFazio
Becerra	Castor	DeGette
Berkley	Chandler	Delahunt
Berry	Clarke	DeLauro
Bishop (GA)	Clay	Dicks
Bishop (NY)	Cleaver	Dingell
Blumenauer	Clyburn	Doggett
Boren	Cohen	Donnelly
Boswell	Conyers	Doyle
Boucher	Cooper	Edwards
Boyd (FL)	Costa	Ellison
Boyda (KS)	Costello	Ellsworth

Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berman
Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
McCarthy (CA)
Meehan
Meek (FL)
Miller, George
Ruppersberger
Saxton
Wynn

□ 1342

Ms. GINNY BROWN-WAITE of Florida, Mr. REYNOLDS, and Mrs. BACHMANN changed their vote from ''yea'' to ''nay.''

Ms. McCOLLUM of Minnesota and Mr. KUCINICH changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 17, as follows:

[Roll No. 146]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce

Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Brown (SC)
Buyer
Carter
Cole (OK)
Davis, Jo Ann
Eshoo
Farr
Ferguson
Granger
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Peterson (MN)
Saxton
Scott (GA)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1349

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably absent for rollcall vote 146 on H. Res. 239, the rule to provide for consideration of H.R. 985. Had I been present, I would have voted "nay."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 157, answered "present" 1, not voting 10, as follows:

[Roll No. 147]

YEAS—265

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—157

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Graves
Hastert
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Kagen
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Olver
Pearce
Pence
Perlmutter
Peterson (MN)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Stearns
Stupak
Sullivan
Terry
Tiahrt
Tiberi
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—10

Brown (SC)
Carter
Davis, Jo Ann
Granger
Grijalva
Meehan
Miller, George
Saxton
Smith (TX)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1359

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state it.

Mr. WESTMORELAND. Mr. Speaker, I am sure you would like to join me in noting that clause 2(a) of rule XX provides that a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote. On the previous question vote, Rollcall Vote No. 145, I would hope that you would agree that at the expiration of time for this vote the noes were prevailing. Is that true?

□ 1400

The SPEAKER pro tempore. The gentleman is correct that that particular clause says that a vote may not be held open for the sole purpose of changing an outcome.

In this case, the vote remained open to allow all Members to vote.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Could the Speaker tell me when an instance of the vote being held open would reverse the outcome if it is not when the "nays" are prevailing against the "yeas," or the "yeas" prevailing against the "nays," and the majority wants the outcome to be the exact opposite?

The SPEAKER pro tempore. The Chair is not going to respond to a hypothetical question.

Mr. WESTMORELAND. Sir, that is not a hypothetical.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WESTMORELAND. I am asking you a question about the House rules. If I am not correct, further parliamentary inquiry, you are the arbitrator of those rules; is that true?

The SPEAKER pro tempore. The gentleman is correct that the Chair may describe pending parliamentary situations.

Mr. WESTMORELAND. Further parliamentary inquiry. According to clause 2(a) of rule XX, it says that a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Mr. Speaker, my parliamentary inquiry to you is: When would this rule apply to a vote where, at the end of the time, the outcome was different than what the majority wanted it to be?

The SPEAKER pro tempore. The Chair would advise the gentleman that the rules address the duration of votes in terms of minimum times; 15 minutes is a minimum time, not the maximum. A vote ultimately is called at the Chair's discretion, trying to accommodate all Members who wish to vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

We are talking about a single vote. We are talking about the previous question vote, rollcall No. 145, which was held open past the 15-minute mark to change the outcome. If clause 2(a) of rule XX does not apply to that, what would it apply to?

The SPEAKER pro tempore. The Chair is prepared to elucidate as follows:

It is true that under clause 2(a) of rule XX, a vote by electronic device ''shall not be held open for the sole purpose of reversing the outcome of such vote.''

In conducting a vote by electronic device, the Chair is constrained to differentiate between activity toward the establishment of an outcome on the one hand, and activity that might have as its purpose the reversal of an already-established outcome, on the other.

The Chair also must be mindful that, even during a vote by electronic device, Members may vote by card in the well. So long as Members are recording their votes—even after the minimum period prescribed for a given question—the Chair will not close a vote to the disenfranchisement of a district whose representative is trying to vote.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Mr. Speaker, what you just read, is that in the rules?

The SPEAKER pro tempore. That is the Chair's elucidation of the rule.

Mr. WESTMORELAND. So it is the Chair's interpretation of the rule, of clause 2(a) of rule XX; it is the Chair's interpretation that the vote can be held open to reverse the outcome of the vote?

The SPEAKER pro tempore. The statement of the Chair speaks for itself. It is the responsibility of the Chair to see to it that each and every Member of the House of Representatives who responds to the vote has a chance to record his or her vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Could the Speaker answer me why we have a time limit on votes?

The SPEAKER pro tempore. The 15-minute time period is not a limit. It is a minimum duration. After that, it is in the discretion of the Chair in order to allow all Members a reasonable opportunity to vote.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move we adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 258, not voting 33, as follows:

[Roll No. 148]

AYES—142

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Fallin
Fattah
Feeney
Ferguson
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Graves
Hastert
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Jindal
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Sali
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—258

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson

Watt	Wexler	Wynn
Waxman	Whitfield	Yarmuth
Weiner	Wilson (OH)	Young (AK)
Welch (VT)	Woolsey	
Weller	Wu	

NOT VOTING—33

Ackerman	Forbes	Meehan
Boyda (KS)	Granger	Miller (FL)
Brown (SC)	Hastings (WA)	Miller, George
Camp (MI)	Hulshof	Olver
Capps	Jefferson	Radanovich
Davis, Jo Ann	Johnson, Sam	Rogers (AL)
Deal (GA)	LaHood	Ryan (WI)
Delahunt	Larson (CT)	Saxton
Dicks	Linder	Shadegg
Farr	Mack	Stark
Flake	McCrery	Weldon (FL)

□ 1428

Messrs. KUHL of New York, BAIRD, SCOTT of Georgia, MCNERNEY, PAYNE, RAHALL, ISSA, POMEROY and FRANK of Massachusetts changed their vote from ''aye'' to ''no.''

Mr. BOEHNER changed his vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 985.

□ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Iowa (Mr. BRALEY) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes, and the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 10 minutes.

The Chair recognizes the gentleman from Iowa.

□ 1430

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I am proud to be here today to bring to the floor of the House of Representatives, H.R. 985, the Whistleblower Enhancement Protection Act of 2007. A month ago today this important bill passed the House Committee on Oversight and Government Reform unanimously by a vote of 28–0. I strongly support the bill, and I hope it will receive a similar level of bipartisan support on the floor of the House of Representatives today. We need to send a strong message that protecting the rights of whistleblowers is not a Democratic issue, it is not a Republican issue, it is an issue that impacts the lives and the safety of every American citizen.

Whistleblowers have long been instrumental in alerting the public and the Congress to wrongdoing in Federal agencies. In many cases, the brave actions of whistleblowers have led to positive changes that have resulted in more responsible, safe and ethical practices. In some instances, the actions of whistleblowers have even saved lives.

Unfortunately, despite the importance of whistleblowers in ensuring government accountability and integrity, court decisions by the U.S. Court of Appeals for the Federal Circuit have undermined whistleblower protections and have unreasonably limited the scope of disclosures protected under current law.

The hearings that Chairman WAXMAN and Ranking Member DAVIS have been holding in the Committee on Oversight and Government Reform in the 110th Congress have highlighted the need for expanded protections for workers who shed light on wrongdoing by government agencies and departments. Several hearings held by the committee have helped uncover waste and fraud in government contracting, both here in the United States, and in Iraq, waste and fraud which has led to the loss of billions of taxpayer dollars and has jeopardized the safety of Americans here at home and those serving abroad.

At another hearing, we learned that some officials in the Bush administration have sought to manipulate Federal climate science, compromising the health and safety of American families and the future of the planet solely for political gain.

Perhaps the starkest reminder of the need to protect those who remain silent in the face of government wrongdoing came at last week's hearing at Walter Reed, at which we learned about the terrible living conditions and bureaucratic hurdles that soldiers have endured there.

At the hearing, it became clear that nobody dared to complain about the squalid living conditions and inadequate care at what is supposed to be the best military facility in the world because of fear of retribution.

Because of this fear, it took an expose by a newspaper in order for action to be taken on these severe and systemic problems, and many of our Nation's heroes had to suffer there for far too long.

The Whistleblower Protection Enhancement Act of 2007 makes important changes to existing law that will strengthen protections for government workers who speak out against illegal, wasteful and dangerous practices.

The bill protects all Federal whistleblowers by clarifying that any disclosure pertaining to waste, fraud or abuse, ''without restriction as to time, place, form, motive, context or prior disclosure,'' and including both formal and informal communications, is protected.

The bill also gives whistleblowers access to timely action on their claims, allowing them access to Federal district courts if the Merit Systems Protection Board does not take action on their claims within 180 days.

In addition, the bill clarifies that national security workers, employees of government contractors, and those who blow the whistle on actions that compromise the integrity of Federal science are all entitled to whistleblower protection.

As we continue to fight terrorism and other national security threats, this landmark legislation will give whistleblower protections to national security whistleblowers for the first time. It may be hard to believe, but currently employees at key government agencies in charge of protecting the United States, including the FBI, the CIA, and the Transportation Security Administration, are excluded from whistleblower protections.

These are the employees who work every day to keep our country safe and secure. These workers deserve to have the same protection as other Federal employees, and the American public deserves to know that workers who come forward with information that is essential to national security will not be punished for helping to keep us safe.

A good example is former FBI agent Coleen Rowley, Time magazine's Person of the Year in 2002. Special Agent Rowley graduated from Wartburg College in Waverly, Iowa, which is located in my district. Like me, she received her law degree from the University of Iowa College of Law. She is married and has four children.

After the terrorist attacks on 9/11, Special Agent Rowley wrote a paper for the Director of the FBI, which laid out in detail how personnel at FBI headquarters failed to take action on concerns raised by the Minneapolis field office concerning its investigation of suspected terrorist Zacarias Moussaoui. These failures, identified by Special Agent Rowley, could have left the United States vulnerable to September 11 attacks in 2001. Special Agent Rowley later testified before the Senate and the 9/11 Commission about these very same concerns.

Following those hearings, Iowa Senator CHUCK GRASSLEY, a Republican

who has been a proponent of whistleblower protection, pushed for a major reorganization at the FBI, resulting in the creation of the Office of Intelligence, which significantly expanded FBI personnel with counterterrorism and foreign language skills.

Senator GRASSLEY commended the actions of Rowley, saying on the floor of the Senate last June, ''in typical FBI fashion, the missteps from 9/11 would have been swept under the rug if it weren't for whistleblowers like Coleen Rowley . . . it looks to me like she's the only one who did anything to make sure the FBI was held responsible for its lack of responsiveness.''

The Whistleblower Protection Enhancement Act also ensures that employees who work for companies that have government contracts are protected when they report waste, fraud, and abuse of taxpayer dollars. This provision is especially important, considering the use of private contractors by the United States Government has reached an all-time high, and that spending on Federal contracts has almost doubled since 2000, reaching $400 billion in 2006.

Private companies with government contracts are now performing some of the most important work of the government, including protecting civilian workers in Iraq and ensuring the safety of American citizens in the United States. This bill will help ensure that employees of government contractors, who report on the abuse of taxpayer dollars or other wrongdoing, do not have to fear the loss of their jobs or other retribution.

Finally, Mr. Chairman, this bill clarifies that employees who blow the whistle on political interference in Federal scientific research and reports are also entitled to whistleblower protections. It is essential that we have the best and most accurate scientific research and information that is possible.

Americans trust that their tax money is funding thorough and adequate scientific studies that are free from political interference or manipulation. As lawmakers, we also depend on accurate and unbiased scientific information to make policy decisions that will impact the lives and futures of American families.

Protecting government researchers who report actions or policies that compromise the accuracy and integrity of Federal science is critical to ensuring the public and the lawmakers are able to make wise and informed decisions that affect our lives now and will have repercussions far into the future.

I would like to thank Chairman WAXMAN and Ranking Member DAVIS for their work on this bill in the Committee on Oversight and Government Reform.

Again, I strongly urge my colleagues to support the passage of the Whistleblower Enhancement Protection Act today.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, today, we take up the Whistleblower Protection Enhancement Act of 2007. This legislation would modernize, clarify, and expand the laws protecting Federal employees who blow the whistle on waste, fraud, and mismanagement in the Federal Government.

At the outset, I think it is important to thank my colleague from Pennsylvania (Mr. PLATTS). Throughout this process, Mr. PLATTS has been an unwavering advocate for Federal employees. This bill would not exist today in this form if not for his steady leadership.

Almost immediately following the 1994 changes in the Whistleblower Protection Act, it became clear that the Federal Circuit Court of Appeals would continue to create loopholes where no loopholes were intended and dilute protections for whistleblowers Congress clearly intended to protect.

This bill we are considering today develops a new regime governing whistleblower protections and offers fresh solutions to the continuing problem of employee retaliation. I am proud this legislation would allow Federal employees and contractor personnel to pursue their claims in the Federal district court, to be heard before a jury of their peers, if no action is taken by the Merit Systems Protection Board within 180 days.

Under current law, cases filed by employees who believe they have been retaliated against for blowing a whistle can sometimes end up languishing before the MSPB for years before a final decision is issued. H.R. 985 would change the process and allow Federal employees to reach resolution on this issue one way or the other.

I am disappointed, however, the Rules Committee did not make in order my amendment to remove from the bill language which would provide for an ''all circuits'' review of whistleblower claims.

My amendment would have tried to maintain the uniformity in the consideration of whistleblower cases in the Federal courts by keeping in place the current requirement that all whistleblower appeals go through the United States Court of Appeals for the Federal Circuit, rather than opening up appeals to all circuits.

Without my amendment, Federal employee whistleblowers could end up possessing a different set of rights and protections based on where they file their claim. For example, a Border Patrol agent in Texas could be protected by a different set of whistleblower protections than a Border Patrol agent in Maine.

I think the underlying legislation already provides sufficient reforms to the whistleblower protection laws by revising the statute under which the Federal Circuit reviews whistleblower claims. Going further in this legislation, removing the requirement that all appeals must go through one Federal appeals court, is going to, in the long term, be counterproductive to our policies governing Federal employment.

I am also interested in the amendment dealing with national security whistleblowers Mr. HOEKSTRA filed at Rules, but was not made in order. While I supported the language Mr. HOEKSTRA's amendment sought to strike, I understand many members from the intelligence-related committees and officials in the intelligence community have concerns which I believe need to be addressed before this bill moves on to the Senate.

One additional concern I would like to mention is with section 13 of the bill. Section 13 would open a whole new area of personnel conflicts to whistleblower protections. This new language, added to the bill this year, would make influencing federally funded scientific research a prohibited personnel practice by specifically identifying the dissemination of false or misleading scientific or medical or technical information as an ''abuse of an authority'' that is actionable in Federal court.

Rather than acknowledging the natural and perfectly healthy tension that exists between science and policymaking, this section would submit the ''science versus ethics'' issue to the Federal courts to be litigated as a personnel issue.

Unlike many on the Democratic side of the aisle who believe only scientific findings should serve as the foundation for public policy and decisionmaking, I believe science is just one cog in the policy decisionmaking process. Science must be balanced against factors such as the morals of our society and the ethics of individual policymakers, as well as countless other policy considerations. As I have said before, I don't believe we should turn the tension between science and policymaking into a personnel matter that gets litigated by the courts.

In closing, I believe the underlying legislation makes a number of important positive contributions to Federal whistleblower policy, and I support this bill.

While I believe we can still make a few refinements to the bill to make it better, I applaud Mr. PLATTS' and Mr. WAXMAN's efforts to move this bill forward.

Mr. Chairman, I reserve the balance of our time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 5 minutes to the chairman of the committee, Mr. WAXMAN of California.

Mr. WAXMAN. I thank the gentleman from Iowa for yielding me the time and for managing this bill. He has played a very important role in the committee in the formulation of this legislation and is far more knowledgeable than many of us because he has had experience in bringing whistleblower lawsuits as an attorney.

Mr. Chairman, this bill that we are considering at this time would

strengthen one of our most important weapons against waste, fraud and abuse, and that is Federal whistleblower protections. Protecting whistleblowers is a key component of government accountability.

Federal employees are on the inside. They can see where there is waste going on or if there is corruption going on. They can see the signals of incompetent management, and what we want is to enable them to let us know, those of us in Congress, about these kinds of problems. So this bill would give them the protections to come forward and, in effect, blow the whistle on what they know is going on and is not right to be continued.

But I want to emphasize that one of the most important provisions of H.R. 985 protects national security whistleblowers.

□ 1445

It is impossible to overstate how essential this provision will be. Now, there may be an attempt to try to strike this provision, and I want to make clear to my colleagues why they should not be misled into voting for such a motion.

There are a lot of Federal officials who knew the intelligence on Iraq was wrong. Officials in the CIA and the State Department knew that Iraq did not try to import uranium from Niger. Officials in the Energy Department knew the aluminum tubes were not suitable for nuclear centrifuges. Other officials knew the information from ''Curveball,'' the so-called informant that turned out to be inaccurate, but the information that he was spreading about so-called mobile weapons labs were completely bogus.

But none of these officials would come forward. In fact, none of them could come forward to Congress and share their doubts. If they did, they could have been stripped of their security clearances, or they could have been fired.

And we all know what the result has been. Nobody blew the whistle on the phony intelligence that got us into the Iraq war.

It is imperative that national security employees be protected against retribution so they will not be afraid to report national security abuses to Members of Congress. When the intelligence is wrong, the consequences for our Nation can be immense.

H.R. 985 also extends whistleblower protections to employees of Federal contractors. Every year, Federal contractors do more and more of the government's work. In 2005, nearly 40 cents of every Federal dollar, outside of the entitlements, went to private companies. We need to encourage the employees of these private companies to report wasteful spending.

We heard testimony in our Oversight Committee about a Halliburton truck driver, not just one but many of them, who were told, if they had a flat tire or some mechanical problem, not to worry about it, torch the truck. They will just go and buy another one. After all, these were cost-plus contracts.

Well, this abuse was so wanton that one of the truck drivers finally blew the whistle. But rather than being protected for speaking out for the American taxpayer, he was fired.

Finally, passage of this bill would stop this kind of intimidation. This legislation includes an important provision that will help check the growing problem of political interference with science. It gives explicit provisions to protect the Federal employee who reports instances where Federal scientific research is suppressed or distorted for political reasons.

Don't buy the argument that this should be struck. We ought to protect scientists from those that would try to suppress or distort their scientific work.

The bill is bipartisan. It was cosponsored by Ranking Member and former Chairman TOM DAVIS of the Oversight Committee and former subcommittee Chair TODD PLATTS. It passed unanimously last month by the Committee on Oversight and Government Reform.

It is carefully crafted legislation that protects both our national security and the interests of the American taxpayer, and I urge its adoption.

Mr. Chairman, I am including with my statement copies of letters between my Committee, Oversight and Government Reform, and the Committee on Homeland Security regarding jurisdiction.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, March 14, 2007.

Hon. HENRY WAXMAN,
Chairman, Oversight and Government Reform Committee, Washington, DC.

DEAR HENRY: I am writing you considering the jurisdictional interest of the Commttee on Homeland Security in H.R. 985, the ''Whistleblower Protection Enhancement Act of 2007.'' Section 12 of this legislation provides whistleblower protections to Transportation Security Administration (TSA) employees. Under House Rule X, the Committee on Homeland Security has jurisdiction over the ''[t]ransportation security activities'' of the Department of Homeland Security and ''[o]rganization and administration of the Department of Homeland Security.'' As a result, the Committee on Homeland Security has a jurisdiction interest in section 12 of the bill. Moreover, the Committee on Homeland Security received a sequential referral of a nearly identical bill, H.R. 1317, the Federal Employee Protection of Disclosures Act, legislation that was introduced by Rep. Todd Platts (R–PA) in the 109th Congress. Although the Committee on Homeland Security has sought a sequential referral of H.R. 985, the Committee agrees to discharge the legislation in the interest of clearing this measure as expeditiously as possible for consideration in the House.

As a condition to our agreement to forgo a markup of this legislation, you have agreed to include report language to accompany the bill that clarifies the congressional intent behind that the term ''public safety'' in 5 U.S.C. 2302 (b)(1),(8), and (9), as amended by H.R. 985, is meant to cover ''national security'' and ''homeland security.'' This clarification will ensure that TSA employees who report security risk, in addition to safety risks or mismanagement issues, will still receive the whistleblower protections granted under the bill. Additionally, you have agreed to include report language to accompany Section 10 of the bill to ensure Department of Homeland Security employees who work on intelligence and information-sharing matters are covered by the ''National Security Whistleblower Rights'' granted under that section.

Our agreement not to hold a markup is also conditioned upon our mutual understanding that our decision to waive further consideration does not, in any way, reduce or otherwise affect the jurisdiction of the Committee on Homeland Security over provisions of the bill. Additionally, you have agreed to support the request of the Committee on Homeland Security to have its members named as conferees in the event of a conference with the Senate on this bill.

I ask that you please include in the Congressional Record during consideration on the floor, a copy of this letter and a copy of your response acknowledging the Committee on Homeland Security's jurisdictional interest in this bill and indicating your support of our agreement expressed in this letter.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
Washington, DC, March 13, 2007.

The Hon. BENNIE G. THOMPSON,
Chairman, House Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON, I am writing regarding your Committee's jurisdictional interest in H.R. 985, the Whistleblower Protection Enhancement Act of 2007. I appreciate your cooperation in waiving consideration of the bill by the Committee on Homeland Security in order to allow consideration of the legislation on the House floor later this week.

I recognize that your Committee has a valid jurisdictional interest in section 12 of H.R. 985, as ordered reported by the Committee on Oversight and Government Reform. Your decision to forego a markup should not prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

I have included report language at your request that states that under the bill, Transportation Security Administration workers can report dangers to public health and safety, including those regarding or relating solely to homeland or national security. Also, the report states that the national security whistle blower section of the bill provides whistleblower rights to those individuals whose job functions make them eligible for the protections of this section even though their agencies are not specified, such as intelligence analysts and information sharing employees with access to classified information within the Department of Homeland Security's Office of Intelligence and Analysis.

Finally, I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you for your assistance.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. PLATTS. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished

ranking member of the House Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I appreciate the efforts to enhance protection for whistleblowers in the intelligence community, a goal that I wholeheartedly endorse. It is important that personnel within the intelligence community have appropriate opportunities to bring matters to Congress so long as the mechanisms to do so safeguard highly sensitive classified information and programs. The bill before us raises significant issues in doing so that need more considered review.

As chairman of the Permanent Select Committee on Intelligence during the last Congress, I learned firsthand from whistleblowers about intelligence programs that the administration had not reported to the Intelligence Committees, despite its statutory duty to keep us fully and currently informed. I communicated my strong concerns directly to the President. I would vigorously defend the individuals who provided me with this important information from even the slightest reprisal.

So I strongly support the underlying intention of the provisions of the bill intended to protect the intelligence community. Unfortunately, however, that part of the bill was not coordinated with HPSCI, and it suffers from a number of problems that I believe need to be fixed.

First, the bill would conflict with the provisions of the existing Intelligence Community Whistleblower Protection Act of 1998, which has already provided specific mechanisms to permit whistleblowers to come to Congress, while simultaneously protecting sensitive national security information from unauthorized disclosure to persons not entitled to receive it.

Second, the bill violates the rules of the House by encouraging intelligence community personnel to report highly sensitive intelligence matters to committees other than the Intelligence Committees, which were created to solely and appropriately deal with and safeguard information regarding sensitive intelligence programs.

This is simply not a jurisdictional issue. The real issue is one of protecting highly classified intelligence programs and ensuring that any oversight is conducted by Members and staff with the appropriate experiences, expertise, and clearances. Our intelligence oversight should be conducted to determine how best to enhance our national security, protect civil liberties, and not to get press coverage.

Third, this bill would make every claim of a self-described whistleblower, whether meritorious or not, subject to extended and protracted litigation. It would also substantially alter the application of the judicially established state secrets privilege in those cases, forcing the government to choose between revealing sensitive national security information to defend itself or losing in court. Judges recognized the privilege precisely because they understood that such a Hobson's choice is fundamentally improper and unfair and could harm national security interests. The current law works to screen frivolous whistleblower claims and recognizes that our national security interest should not be managed by lawsuit. Those considerations must continue to be protected.

I agree very strongly with the principle that intelligence community whistleblowers should be protected from reprisal, and would look forward to working with the Oversight and Government Reform Committee to accomplish this goal. However, until those changes are made, and those issues are addressed, I would encourage my colleagues to vote ''no'' on this bill.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 4 minutes to my distinguished colleague from Maryland, Mr. CUMMINGS.

Mr. CUMMINGS. Mr. Chairman, I rise in support of the Whistleblower Protection Enhancement Act of 2007, which I have cosponsored.

To say the least, this administration has not prioritized openness in government, and I was not surprised to learn that the President is opposed to the Whistleblower Protection Enhancement Act.

I am similarly not surprised to learn that the President and many of his colleagues here in the Congress have threatened that by affording our Federal employees whistleblower protections, we are also threatening national security. This administration has consistently used security threats to strike fear into the public's consciousness.

But let me be clear: Claims that the legislation we are considering here today would threaten national security are baseless. If anything, the opposite is true.

As a member of the House Armed Services Committee, I know how vitally important it is for Federal officials to be able to share their knowledge and their firsthand experience with the Congress. We now know that, going into the Iraq war, Federal officials at the CIA and the State Department were aware that the pre-war intelligence about Iraq purporting to show that the nation had weapons of mass destruction was wrong.

Thousands of Americans and Iraqi lives and billions of American taxpayer dollars could have been saved if these individuals had been able to share their knowledge with a Congress willing to listen to them and protect them from retribution. But, lacking whistleblower protections, they were afraid to do so.

Recognizing the critical need for Federal employees to communicate openly with the legislative branch, Congress in 1912 enacted the Lloyd-LaFollette Act. And that act, which has never been repealed, by the way, affords all Federal employees, including employees at the national security agencies, the right to contact Members of Congress.

The statute states as follows: ''The right of employees, individually or collectively, to petition the Congress or a Member of Congress or to furnish information to either House of Congress or to a committee or Member thereof may not be interfered with or denied.''

The statute's language was intentionally drafted to be broad because Congress recognized in 1912, as we recognize today, the compelling need for Federal employees to exercise their rights to free speech.

But the law clearly does not go far enough. Consider the case of FBI Special Agent Bassem Youssef. According to a Washington Post article from July 18, 2006, an internal investigation conducted by the United States Justice Department concluded that Youssef, the FBI's highest ranking Arabic speaker, was blocked from a counterterrorism assignment in 2002 after he had met with U.S. Representative WOLF and met with FBI Director Mueller to discuss Youssef's complaints with regards to the way the war on terror was being conducted.

Mueller had approved a transfer for Youssef just days before the meeting, but it never occurred and Youssef was never informed of Mueller's decision, according to the report.

Investigators also said that the FBI has provided no rationale or basis for its failure to promote Youssef, although one former senior FBI manager said Mueller was appalled that Youssef had complained to a Congressman about his treatment.

Because of this retaliation, we lost 4 years of expertise for the war on terror from a highly qualified Arab American agent. Once the FBI's top Arabic translator, Youssef is now simply processing documents.

Under current law, Youssef cannot pursue legal action for the retaliation. The Whistleblower Protection Enhancement Act of 2007 would rectify this situation.

Congress has a mandate to oversee the functions of the executive branch to ensure that government runs as effectively and efficiently as possible, but we cannot fulfill this mandate if we cannot get reliable information, and we cannot get that information if people must put their lives and careers on the line.

Mr. PLATTS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, H.R. 985, the Whistleblower Protection Enhancement Act, is a bipartisan bill which seeks to restore protections for civil servants who report illegalities, gross mismanagement and waste, and substantial and specific dangers to the public health and safety.

H.R. 985 contains many of the provisions of legislation which I introduced during the 109th Congress, H.R. 1317. It represents consensus language crafted through bipartisan negotiations among myself, Chairman WAXMAN, Ranking Member DAVIS, Representative VAN

HOLLEN, as well as the majority and minority staffs of the Oversight and Government Reform Committee, and interested stakeholders groups such as the Government Accountability Project. I certainly would like to thank all who have been involved in this process.

To provide context for the legislation we are considering today, it is important to review the legislative history in the area of whistleblower protections for Federal employees.

As a result of finding that the civil service protections of the time were inadequate, Congress, in the first Bush administration, enacted into law the Whistleblower Protection Act, WPA, of 1989, which expressly stated that ''any protected disclosure of waste, fraud and abuse by a Federal employee is covered by the law.''

Unfortunately, as interpreted by the Merit Systems Protection Board and the Federal circuit court, loopholes began to develop in the WPA. Accordingly, Congress strengthened the law in 1994.

It is noteworthy that the report accompanying the WPA Amendments of 1994 expressed great frustration with the way the WPA was being interpreted. According to the report, it states, ''Perhaps the most troubling precedents involved the Board's inability to understand that 'any' means 'any.' The WPA protects any disclosure evidencing a reasonable belief of specified misconduct, a cornerstone to which the MSPD remains blind.

□ 1500

''The only restrictions are for classified information or material, the release of which is specifically prohibited by statute. Employees must disclose that type of information through confidential channels to maintain protection. Otherwise, there are no exceptions.''

Unfortunately, we are once again largely back to where we started. Since the 1994 amendments, 177 whistleblower cases have come before the Federal Circuit Court; however, only two whistleblowers have prevailed. Among the reasons are a number of decisions which have continued to create exceptions to the law, including decisions stating that an employee is not protected by the WPA if the employee directs criticism to other witnesses or a supervisor in an attempt to start the process of challenging misconduct, or the information disclosed was done in the course of the employee's ordinary job duties, or the information disclosed has already been raised by someone else.

In addition, the Federal Circuit Court has stated in one case that: For a Federal employee to reasonably believe there is evidence of waste, fraud, and abuse, as required by the law, he or she must overcome with irrefragable proof the presumption that the agency was acting in good faith.

This is an unheard of legal standard, defined in the dictionary as ''impossible to refute.'' In other words, the agency pretty much has to admit to the waste, fraud, or abuse.

H.R. 985 would clarify congressional intent that any whistleblower disclosure includes disclosures ''without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of the employee's duties.'' In addition, H.R. 985 would end any uncertainty about the irrefragable proof standard, making it clear that the ''substantial evidence standard'' applies to all five categories for legally protected whistleblowing disclosures. Appellate courts could not impose additional burdens for a particular category, as I understand occurred in the case of White v. Department of Air Force with respect to ''gross mismanagement.''

Other provisions within H.R. 985 which are either identical or similar to provisions within previous versions of this legislation include:

Allowing employees the option to have their claims decided in Federal District Court if the Merit Systems Protection Board does not act on a claim within 180 days;

Ending the monopoly jurisdiction of the United States Court of Appeals for the Federal Circuit over appeals under the Whistleblower Protection Act;

Conducting a GAO study on the revocation of security clearances in retaliation for whistleblowing;

Extending whistleblower protections to the Transportation Security Administration baggage screeners;

Enhancing whistleblower protections for employees of government contractors;

Codifying an anti-gag rule that was first included in the Treasury Appropriations bill for 1988 and every year thereafter; and,

Continuing protections for whistleblowers who were subjected to prohibited personnel actions prior to their agency or unit being exempted from the WPA.

In conclusion, I would like to once again thank each of the parties who have been involved in the ongoing development of this critically important legislation. I would also like to thank those courageous citizens who have blown the whistle on waste, fraud, and abuse in the Federal Government. If we truly want to eliminate waste, fraud, and gross mismanagement throughout the Federal Government, then we need to empower and protect our Federal employees who are on the front lines of government operations and best positioned to witness this waste, fraud, and gross mismanagement. This legislation provides such empowerment and protection. I urge a ''yes'' vote.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I thank the gentleman for his insightful comments, and I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, does the gentleman from Iowa have any additional speakers?

Mr. BRALEY of Iowa. Yes.

Mr. PLATTS. Mr. Chairman, I will then continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for his leadership, and I thank all of the cosponsors that have brought this legislation, H.R. 985, to the floor, Representatives HENRY WAXMAN, TODD PLATTS, CHRIS VAN HOLLEN, and THOMAS DAVIS, and certainly a number of the total of 29 cosponsors, and the fact that this committee voted the whistleblower protection out unanimously.

We who are members of the Homeland Security Committee, along with Chairman THOMPSON, and I know we have been working on this with the ranking member as well, stand in support of this legislation. I know that we will be yielded time shortly, but I am delighted to be able to share my thoughts on the importance of H.R. 985, which would extend whistleblower protection to Federal workers who specialize in national security issues. It would also ensure that employees who work for companies with government contracts are protected when they report waste, fraud, and abuse of U.S. taxpayer dollars.

Protecting scientific whistleblowers, this legislation would extend whistleblower protection to Federal employees who disclose actions related to the validity of federally funded scientific research and analysts. Many of us recognize and remember the Los Alamos incident of a couple years ago still was never, if you will, explored and never settled.

This also would override several court and administrative decisions that undermine existing whistleblower protection, provide whistleblower access to Federal District Courts if the Merit Systems Protection Board or the Inspector General does not take action on their claims within 180 days.

This is good news to the Homeland Security Department and particularly the transportation security officers. Contrary to assertions by the opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is, TSOs do not enjoy full whistleblower protection; specifically, transportation security officers enjoy little more than minimal whistleblower protections deriving from a memorandum of understanding entered into when the TSA was still part of the Department of Transportation. Under the MOU, screeners can only bring a claim to the office of a special counsel; they do not have the right of appeal or to seek independent review by another agency or court.

It is important to note that in 2004 the Merit Systems Protection Board

ruled in a case, Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other department employees.

This is crucial. I have been working on this issue for quite a while. The No Fear Act, which indicated or had to do with discrimination against workers at the Environmental Protection Agency, generated, even though it is a bill on discrimination of Federal employees that generated from whistleblower employees at the Environmental Protection Agency that didn't have the necessary protection to talk about issues that dealt with regular issues of research, but also on the issue of security. Let me quickly say that the EPA had a similar problem where it also faced no protection of those employees, and the No Fear Act came out of that which had to do with racial discrimination against Federal employees.

But NASA, for example, legislation that I wrote dealing with the International Space Station to give protection to NASA employees to save lives and also to protect them in case of issues that they were dealing with relating to national security.

All employees should feel free to tell the truth. All employees should be protected, particularly Federal employees, particularly in this time in the backdrop of 9/11. Tell the truth, be protected, and the whistleblower protection will allow us to run this country in the right way, save lives, and have employees that are Federal Government employees gives us the fact so we can do the right thing. Support H.R. 985.

Mr. Chairman, I rise today in strong support of H.R. 985, the ''Whistleblower Protection Enhancement Act of 2007,'' which extends whistleblower protections to federal employees and contractors working in the area of national security and intelligence, including screeners at the Transportation Security Administration (TSA).

Mr. Chairman, there is a tremendous need to protect our best sources for identifying waste fraud and abuse—federal workers and contractors. H.R. 985 treats Transportation Security Officers (TSOs), sometimes called ''screeners,'' the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, contrary to assertions by opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is TSOs do not enjoy full whistleblower protections. Specifically, TSOs enjoy little more than minimal whistleblower protections deriving from a Memorandum of Understanding (MOU) entered into when TSA was still part of the Department of Transportation.

Under this MOU, screeners can only bring a claim to the Office of Special Counsel; they do not have a right of appeal or to seek independent review by another agency or court.

Mr. Chairman, in 2004, the Merit Systems Protection Board (MSPB) ruled in Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other Department employees.

Thus, as you can see Mr. Chairman, TSOs are treated differently than other Department of Homeland Security personnel—including fellow employees within TSA.

This bill allows a whistleblower to seek relief in federal circuit court, if his or her claim has not been acted upon within 6 months. In addition, H.R. 985 permits the whistleblower to bring an appeal on their case to any federal circuit court of appeals having in personam jurisdiction, not just the Court of Appeals for the Federal Circuit as is the case under current law.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. I do not have to tell you, Mr. Chairman, that whistleblowers in the intelligence community must be careful when they disclose certain information.

H.R. 985 set forth procedures which enable whistleblowers to assert their claims, while at the same time adequately protecting any sensitive or classified information involved with such claims.

Mr. Chairman, I note that H.R. 1, which passed the House in January, seeks to improve the poor morale problem at TSA by giving TSO employees whistleblower and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as the Border Patrol, Customs and Border Protection Officers.

Mr. Chairman, as a senior member of the Homeland Security Committee and chair of the Subcommittee on Transportation Security and Infrastructure Protection, I am proud to support H.R. 985. This bill will help the federal government keep make America safer and more secure by encouraging and protecting employees who come forward to report waste, fraud, wrongdoing, or abuse of vital and limited government resources. I urge all members to join me in voting for this important legislation.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

In the report language from the Committee on Oversight and Government Reform, there is a well-stated argument about the importance of this legislation, why we need it, and why we need it for national security employees as well. The report reads as follows:

''A key component of government accountability is whistleblower protection. Federal employees are on the inside. They can see when taxpayer dollars are wasted and are often the first to see the signals of corrupt or incompetent management.

''Unfortunately, whistleblowers too often receive retaliation rather than recognition for their courage. They need adequate protections so they are not deterred from stepping forward to blow the whistle.

''There are many Federal Government workers who deserve whistleblower protection, but perhaps none more than national security officials. These are Federal Government employees who have undergone extensive background investigations, obtained security clearances, and handled classified information on a routine basis. Our government has concluded that they can be trusted to work on the most sensitive law enforcement and intelligence projects, yet these officials receive no protection when they come forward to identify abuses that are undermining our national security efforts.''

I think the report language well states the case for this bill and the importance of us adopting this legislation and moving the process forward.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of H.R. 985, and I do so for a number of reasons. We all know that there are individuals who would love to simply be forthcoming with information. All of us have been places, all of us have worked places, all of us have known things, and we have all wanted to operate free and uninhibited. But unless individuals have the absolute protection, in many instances, of knowing that whatever it is that they would reveal that when they come forth that nobody can use that against them, because they also have concerns of their own relative to being able to maintain the job that they have got to take care of the security needs of their family.

Whistleblower protection could have been used more effectively even as we debated the issue of Iraq, as we made decisions based upon intelligence that supposedly we had but intelligence that obviously we did not have.

Whistleblower protection becomes very effective in helping to root out waste, fraud, and abuse. Some of the hearings that I have sat in on where we have discussed how we made use of our contracting resources in Iraq, for example, makes one wonder if we were just giving away the valuable resources of the American people.

So this legislation not only protects the taxpayers' money, but it also protects our troops, our soldiers, those who are in danger oftentimes because accurate information has not been deployed. Mr. Chairman, I urge passage of 985.

Mr. PLATTS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I see some of my distinguished colleagues here today, specifically Ranking Member DAVIS, Congressman SHAYS. And to prepare for this debate today, Mr. Chairman, I watched a movie, ''The Insider,'' last night, because it was a classic example

of why we need whistleblower protection in this country. The sight of those seven tobacco company CEOs standing before the committee on which I am proud to serve, raising their hands and swearing that tobacco and nicotine is not addictive, and the compelling personal story of Jeffrey Weigand and the struggle he and his family went through are why we need to support this bill today.

One of the reasons why we are here today is because of the compelling stories of dozens of national security whistleblowers from multiple Federal agencies who have provided sobering and exhaustive stories about retaliation and retribution for speaking the truth.

□ 1515

These accounts have been well documented before the committees of this House.

Michael German was a highly regarded FBI agent working on domestic terrorism cases for 16 years before quitting in frustration in 2004. His whistleblowing concerned a case that, according to NBC's Dateline, ''involved a potential nightmare scenario: meetings between a home-grown militia-type terrorism organization and an Islamic fundamentalist group during which they discussed possible cooperation.''

Mr. German alleges that the FBI fumbled the case and then, after he blew the whistle, falsified records in order to cover its mistakes. He reported his concerns to his superiors and reportedly faced retaliation for doing so, though a Department of Justice Inspector General report substantiated many of his claims.

Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding, allowing me an opportunity to speak about this issue here before us.

I want to thank Mr. WAXMAN and the committee for reporting an excellent bill. The Whistleblower Protection Enhancement Act is a long overdue piece of legislation that will go a long way towards correcting some of the abuses of the past and updating the whistleblower protection system to face the challenges of the present.

For too long protections passed by Congress for good-faith whistleblowers have been chipped away by executive agencies and the courts. Court decisions have limited the scope of whistleblower protections in a way that betrays the spirit of the original law. This bill will clarify the rights of whistleblowers, including the right to a prompt court proceeding if their employer challenges their right to the protection.

The bill also protects whistleblowers who work in the national security sector or who work for Federal contractors. This is a critical provision. Under current law, national security employees have next to no protection if they are retaliated against for reporting waste or corruption. This is an extremely dangerous situation. If corruption or abuse of power is happening in our intelligence and security agencies, it should be a concern for all Americans. Employees who report abuses in these sectors are doing a service to our national security. I am glad to see that this bill would finally protect them.

I am also pleased to see protections strengthened for Federal contractors. The growth of contracting under the current administration has been astronomical. Under President Bush the Federal Government is now spending nearly 40 cents of every discretionary dollar on contracts with private companies, a record level. Much of this money has been spent without any kind of oversight that would apply within a Federal agency.

Protection for whistleblowers in the contracting sector is key for improving congressional oversight and bringing potential waste and mismanagement under control.

Let me be clear. This bill doesn't just protect whistleblowers. It protects all Americans.

As chairman of the Oversight and Investigations Subcommittee of the Energy and Commerce Committee, I know that every congressional investigation relies on the willingness of individual witnesses to speak up about what they have seen. These individuals risk their careers and their reputations to expose instances of corruption, waste, and abuse within our government. We owe them a debt of gratitude for their courage. This bill is an important step towards making sure that those individuals have the protection they deserve.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to again thank my colleagues who have worked on this and give special thanks to the staff of the majority and minority sides of the Oversight and Government Reform Committee both this session and for the last two sessions that I have been involved in this issue. We certainly wouldn't be here today without the tremendous work of the staff as well as the leadership of then-Chairman DAVIS, now-Ranking Member DAVIS, and current Chairman WAXMAN. So I appreciate everyone's participation in moving this very important issue forward.

This truly is about doing right by our courageous Federal employees who are willing to come forward when they see wrong and do right on behalf of their fellow citizens.

Mr. Chairman, I yield back the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I also want to thank my colleagues for the bipartisan spirit of support for this bill.

I want to just add a few more names to the record, in the remaining time that I have available, of courageous whistleblowers. These are not hypothetical situations we are talking about.

One of them, Richard Levernier, was employed at the Department of Energy for 22 years and was in charge of testing security at U.S. nuclear weapons facilities. Working through normal DOE channels, he tried for years to get his superiors to address security weaknesses that might allow terrorists to successfully assemble and detonate a nuclear device at one of the facilities. But his superiors declined to acknowledge that vulnerabilities existed.

When he faxed two unclassified Inspector General reports to the press, DOE suspended his security clearance. At the time he was 2 years away from retirement and eligible for a full pension. After he filed a lawsuit against DOE for unjust termination, the Office of Special Counsel conducted an investigation and concluded that the harassment against Levernier constituted a systematically illegal reprisal. The OSC also found a substantial likelihood that his underlying charges were correct.

Another brave individual, Russell Tice, a former intelligence agent at the National Security Agency, worked for 20 years in special access programs known as ''black world programs and operations.'' He had his security clearance revoked in May, 2005, after alerting his superiors of suspicious activity by a coworker. NSA later dismissed him after he raised questions about the legality of some NSA ''black world'' programs, including the eavesdropping by the Defense Department and the NSA on American citizens. Mr. Tice wanted to talk to Congress about what he feels are further abuses by the NSA, but has not been allowed to do so.

Specialist Samuel J. Provance's unit in Iraq was instructed to interrogate detainees in a way that he thought was immoral and inappropriate, and he told his superiors. Instead of investigating his claims, his superiors demoted him.

And, finally, Lieutenant Colonel Anthony Shaffer was demoted and his security clearance stripped after he made protected disclosures to the 9/11 Commission about Able Danger, a pre-9/11 operation for combating al Qaeda, and explained that there were DOD and DIA failures regarding 9/11.

This is not a hypothetical problem. Federal whistleblowers are being silenced, and instances of waste, fraud, and abuse are not being exposed. That is why I call on all my colleagues to support this bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). The gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CARNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to commend Chairman WAXMAN, Chairman THOMPSON, and others for their work on this long overdue and sorely needed bill.

As chairman of the Homeland Security Subcommittee on Management, Investigations, and Oversight, I have a vested interest in H.R. 985's passage. I would like to thank Chairman THOMPSON for allowing me to manage our committee's allotted time on the bill.

This bill extends whistleblower protections to Federal employees who work on national security mainly in the intelligence area and workers in the Transportation Security Administration, especially screeners, as well as to Federal contractors.

As Chairman WAXMAN and others have noted, there is a tremendous need to extend whistleblower protections for Federal workers or contractors, our best sources for shining light on waste, fraud, and abuse.

This bill treats transportation security officers, or TSOs, sometimes called ''screeners,'' the same as all other Department of Homeland Security employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, others will tell you that TSOs have whistleblower rights. This is debatably true on paper, but it has not been true in practice.

The truth is, TSOs do not enjoy full whistleblower protections. TSOs have limited whistleblower protections that come from a memorandum of understanding, or MOU, that was entered into when the TSA was still part of the Department of Transportation. Under the MOU, TSOs, transportation screeners, can only bring a claim to the Office of Special Counsel. They do not have a right of appeal or independent review by another agency or court.

In 2004, while reviewing a TSO whistleblower claim in the case of Schott v. The Department of Homeland Security, the Merit Systems Protection Board, MSPB, ruled that the Homeland Security Act does not provide TSOs with the right to MSPB review. Other DHS employees enjoy the right to MSPB review.

Thus, as you can see, Mr. Chairman, the TSOs are currently treated differently than other DHS personnel, including their fellow employees within TSA.

This bill allows a whistleblower to go to court if their claim has not been acted upon within 6 months. This bill permits the whistleblower to bring an appeal on their case to any Federal Court of Appeals having proper jurisdiction over the case, not just the Court of Appeals for the Federal Circuit, as the law now stands.

I am also pleased that this bill provides the same rights to the Office of Intelligence and Analysis employees at DHS as it does to intelligence employees in other agencies. As we know, whistleblowers in the intelligence community must be careful when they disclose certain information. This bill helps govern how these intelligence-related employees bring their claims while also adequately protecting any sensitive or classified information that may be involved with their claims.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, tries to fix TSA's poor morale problem by giving TSOs whistleblower rights and collective bargaining rights. The collective bargaining rights are comparable to other law enforcement officers and others within the DHS, such as Border Patrol and CBP officers.

Mr. Chairman, I am happy to vote for this bill as it not only makes America safer and more secure, but it also allows for all employees to report waste, fraud, or abuse of our vital and limited government resources.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

It is a pleasure to share this debate with Congressman CARNEY and to know that former Chairman DAVIS, now ranking member, and former Ranking Member WAXMAN, now chairman, have worked so closely together. And tremendous kudos to TODD PLATTS for the work that he has done on this legislation. This is a bipartisan effort for a very real reason, whistleblowers need this protection.

All Federal employees are ethically bound to expose violations of law, corruption, waste, and substantial danger to public health or safety. But meeting that obligation to ''blow the whistle'' on coworkers and superiors has never ever been easy.

□ 1530

Breaking bureaucratic ranks to speak unpleasant and unwelcome truths takes courage and risks involving the wrath of those with the power and motive to shoot the messenger. Yet seldom in our history has the need for the whistleblower's unfiltered voice been more urgent, particularly in the realms of national security and intelligence. Extraordinary powers needed to wage war on our enemies could, if unchecked, inflict collateral damage on the very rights and freedoms we fight to protect.

The use of expansive executive authority demands equally expansive scrutiny by Congress and the public. One absolute essential source of information to sustain that oversight is whistleblowers.

But those with whom we trust the Nation's secrets are too often treated like second-class citizens when it comes to asserting their rights and responsibilities to speak truth to power. Exempted from legal protections available to most other Federal employees under the Merit System Protection Board, referred to as the MSPB, national security whistleblowers must traverse a confusing maze of inconsistent regulations and procedures that too often afford them far less process than is due.

The legislation before us today takes the important step of creating a procedure for whistleblowers handling sensitive national security information, to have their claims investigated and adjudicated on a timely basis. These claims would be investigated by the agency Inspector General, as they are now, who will keep all classified information secure, while providing a fair and independent mechanism for investigation and adjudication. Should the Inspector General, and we have an Inspector General in each of these agencies, not reach a timely decision, or the employees wish to appeal, our legislation allows the appropriate Federal Circuit Court to hear the case.

This new approach will give these employees effective protection, while at the same time ensuring sensitive and classified information stays secure.

While I believe an amendment to bring the Department of Homeland Security intelligence-related employees under the same provisions as employees of intelligence agencies such as the CIA or FBI should have been made in order, I am grateful we are finally moving legislation that will allow employees who have faced whistleblower retaliation to get on with their lives.

I also believe suspension or revocation of a security clearance has the same chilling effect as demotion or firing, but clearance actions are virtually unreviewable. Those with whom we trust the Nation's secrets should not be second-class citizens when it comes to asserting their rights and obligations to speak truth to power. Employees should never face termination or harassment for acting courageously to identify improprieties in the workplace, especially when their observations could help improve safety or eliminate waste, abuse or fraud.

Another important step this legislation takes is to expand whistleblower protections to Transportation Security Administration, TSA, screeners for the first time, and that is why the Homeland Security Committee has been given time for this debate. TSA baggage screeners currently do not have whistleblower rights, and this bill will extend to screeners the same protections that all other Department of Homeland Security employees enjoy.

With the full whistleblower protections of this bill, TSA workers could report violations of law, mismanagement, waste, abuse of authority, or dangers to public health and safety, including those regarding or relating solely to homeland or national security.

The bottom line is with more power to the executive branch must come more oversight. That is why I strongly support this legislation. I think that is why this legislation is strongly supported on both sides of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. CARNEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlelady from the State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I thank Mr. CARNEY for his leadership and work, along with, as I mentioned earlier, the chairman of the full Committee on Homeland Security, Mr. THOMPSON, and the ranking member.

There is no doubt that whistleblower protection is intimately interwoven with the work and the issues and the mission and obligations of the Homeland Security Department and the Homeland Security Committee, both in the House and the other body. We have too often seen debacles occurring, tragically, and I believe with a clean whistleblower protection, where workers are aware of their rights, we are enhancing the security of America.

This bill in particular responds to the transportation security officers, sometimes called screeners. As the chairwoman of the Subcommittee on Transportation Security with oversight over our transportation security screeners, it is clear that giving them full whistleblower protection is crucial, and it is also clear that they do not have it now.

Others will tell you that TSOs have whistleblower protection rights. They do not. While this may be true on paper, it is not true in practice. The truth is that transportation security officers do not enjoy full whistleblower protections. Specifically TSOs have limited whistleblower protections that come under a memorandum of understanding, an MOU, that was entered into when TSA was still part of the Department of Transportation. Under the MOU, TSOs can only bring a claim to the Office of Special Counsel. They do not have a right of appeal or independent review by another agency or court.

What that means, Mr. Chairman, is they can be fired. So if a transportation security officer sees a breach at one of the thousands upon thousands of airports around America, they have no protection to protect the traveling public.

In 2004, while reviewing a TSO whistleblower claim in the case of Schott v. The Department of Homeland Security, the Merit System Protection Board ruled that the Homeland Security Act does not provide TSOs with the right to MSPB review, which review rights are enjoyed by other department employees.

Thus, as you can see, Mr. Chairman, this bill is crucial to the transportation security officers, who are treated more differently than any other Department of Homeland Security personnel, including their fellow employees within TSA. The bill allows a whistleblower to go to court if their claim has not been acted upon within 6 months.

There is much that the TSA screener says as he or she watches day after day at whether the procedures that we have in place really work. In fact, I know there are procedures that go on at the screening site where it is crucial that an astute, well-trained TSA employee, screener, can in fact be able to enhance the security of America by telling the truth.

I am glad Mr. CARNEY is chairing our Management Subcommittee, because he is going to be talking about training issues. They are crucial. This bill permits, Mr. Chairman, as I close, the whistleblower to bring an appeal on their case to any Federal Court of Appeals having proper jurisdiction over the case, not just a Court of Appeals for the Federal Circuit, as the law now stands. That means we have real protection against firing and termination just because a transportation security officer is doing his or her job.

I am also pleased this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. As we know, whistleblowers in the Intelligence Committee must be careful when they disclose certain information. This bill helps govern how these people bring their claims, while also adequately protecting any sensitive or classified information that may be involved with such claims.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, tries to fix TSA's poor morale problem by giving TSO whistleblower rights and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as Border Patrol and others.

I ask my colleagues to support this. This is a new day, a fresh day for homeland security in America, giving these officers the right to tell the truth and do their job and protect America.

Mr. Chairman, I rise today in strong support of H.R. 985, the ''Whistleblower Protection Enhancement Act of 2007,'' which extends whistleblower protections to federal employees and contractors working in the area of national security and intelligence, including screeners at the Transportation Security Administration (TSA).

Mr. Chairman, I have long been a strong proponent of whistleblower protection. As a Member of Congress from Houston, home of NASA's Johnson Space Center, I have long been involved in developing procedures and protections to ensure that concerns affecting the public health and safety are made known and addressed in an atmosphere free of intimidation, threats, harassment, and reprisal.

For example, during a hearing held a few years ago by the Science Committee of which I was a member, Admiral Gehman and representatives of the Columbia Accident Investigation Board explained how fear of retaliation by management led some engineers to withhold their concerns about the safety and well-being of NASA missions and crew. Reports received after the tragic Colombia space shuttle accident indicated the accident may have been avoided had there been in place a process that would foster an environment encouraging employees and contractors to come forward with information that could avert future threats to the safety of astronauts, mission specialists, and other workers.

My legislation created a NASA Safety Reporting Board that would rapidly screen such disclosures and either report them directly to the Administrator, or reject them as non-eligible—perhaps with a suggestion to seek redress through internal means, e.g., union and OSHA representatives, and agency ombudsmen. Afterward, the Board would be tasked with keeping a registry of reporting workers and with dispute resolution in the event that the worker alleges retaliation by management. Coupling the reporting and anti-retaliation functions in one board would limit the scope of the board to truly vital issues, and make workers feel confident that their concerns will not be lost or buried in the bureaucracy of standard whistleblower or OSHA claims. The Safety Reporting Board would be comprised of both NASA managers and non-managers, with diverse expertise, representing multiple Centers, and include an advocate for workers.

Because we saw the lack of whistle blower protection for NASA employers as a safety threat to the nation's commitment to space exploration and travel, we took action to remove this impediment. The effort has been successful and we are reaping the benefits to this day.

Mr. Chairman, we need to extend the benefits of whistleblower protection from NASA to other vital Government agencies and functions. There is a tremendous need to protect our best sources for identifying waste fraud and abuse—Federal workers and contractors. H.R. 985 treats Transportation Security Officers (TSOs), sometimes called ''screeners,'' the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, contrary to assertions by opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is TSOs do not enjoy full whistleblower protections. Specifically, TSOs enjoy little more than minimal whistleblower protections deriving from a Memorandum of Understanding (MOU) entered into when TSA was still part of the Department of Transportation.

Under this MOU, screeners can only bring a claim to the Office of Special Counsel; they do not have a right of appeal or to seek independent review by another agency or court.

Mr. Chairman, in 2004, the Merit Systems Protection Board (MSPB) ruled in Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other Department employees.

Thus, as you can see Mr. Chairman, TSOs are treated differently than other Department of Homeland Security personnel—including fellow employees within TSA.

This bill allows a whistleblower to seek relief in Federal circuit court, if his or her claim has not been acted upon within 6 months. In addition, H.R. 985 permits the whistleblower to bring an appeal on their case to any Federal circuit court of appeals having in personam jurisdiction, not just the Court of Appeals for the Federal Circuit as is the case under current law.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. I do not have to tell you, Mr. Chairman, that whistleblowers in the intelligence community must be careful when they disclose certain information.

H.R. 985 set forth procedures which enable whistleblowers to assert their claims, while at the same time adequately protecting any sensitive or classified information involved with such claims.

Mr. Chairman, I note that H.R. 1, which passed the House in January, seeks to improve the poor morale problem at TSA by giving TSO employees whistleblower and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as the Border Patrol, Customs and Border Protection Officers.

Mr. Chairman, as a senior member of the Homeland Security Committee and chair of the Subcommittee on Transportation Security and Infrastructure Protection, I am proud to support H.R. 985. This bill will help the Federal Government keep America safer and more secure by encouraging and protecting employees who come forward to report waste, fraud, wrongdoing, or abuse of vital and limited Government resources. I urge all members to join me in voting for this important legislation.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when you give the administration of any party the kind of powers we need to give an administration today, you have to have a strong whistleblower statute, a strong civil liberties board, and aggressive congressional oversight. There are two inconvenient truths we need to deal with, in society today. One is what Al Gore talks about: the environment, and national security issues related to the environment.

Another inconvenient truth is what the 9/11 Commission points out to us, that we are confronting deadly radical Islamist terrorism. And that requires stronger statutes to deal with it.

We had an attempt in the late eighties by the first President Bush to have a workable whistleblower statute. That statute was eroded by the Federal Court in D.C. We saw the Clinton administration try to strengthen it in 1994, and again it was weakened by the courts. This is another attempt to strengthen this statute.

We have a weakness in our whistleblower statute that we must address. And it is being addressed on a bipartisan basis.

We have a Merit System Protection Board that deals with everyone outside of the intelligence community, but it doesn't render decisions soon enough. We are requiring that decisions be rendered within 180 days. If not, a whistleblower can go to court. And we now allow whistleblowers to appeal decisions they disagree with.

But we have had a more serious problem. This is the area of concern relating to the intelligence community. Whistleblowers have had to go to their own individual Inspector Generals. The Inspector Generals follow different practices. We are now making sure those practices conform to the Merit System Protection Board practices.

The biggest challenge was when you take away someone's security clearance, it is like telling a bus driver you don't have a license to drive a bus. You make that whistleblower meaningless to the agency, and it is a huge disincentive to speak out.

We are not saying that can't be taken away in this legislation. We are saying it needs to be studied by the GAO. But what we are also doing is giving the employee the right to go to court within 180 days if a decision isn't rendered, and to have that same ability to make sure their case is heard if they disagree with the decision.

I can't say how strongly enough I support this legislation. This legislation, which passed the committee last year has been improved this year. But, again, I want to say, Mr. PLATTS, you deserve a tremendous amount of credit for what you have done and I congratulate my colleagues on the other side of the aisle for bringing this legislation up so quickly.

Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. I yield myself such time as I may consume.

Mr. Chairman, I do urge my colleagues to vote for H.R. 985. It is important for any number of reasons. The bipartisan nature of this bill itself is I think in many ways reason enough. We have reached across the aisle in a bipartisan fashion to make sure that we do what is right for the American public, for the traveling public and for the safety of all of us.

Mr. Chairman, as an intelligence officer myself, I know full well from firsthand experience the importance of having lines of communication open so the right information is getting to decisionmakers, and that right information can often include telling us what is not going right, what has gone wrong and how we can fix it.

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It is vital that people have the opportunity and avenues and conduits through which they can give good information, information when things are going well and information when things are not going well. All of this ultimately makes us a safer, stronger Nation. That is why I urge all of my colleagues to vote for H.R. 985.

Mrs. LOWEY. Mr. Chairman, I want to thank Chairman WAXMAN and Ranking Member DAVIS of the Oversight and Government Reform Committee for bringing this bill to the floor.

I rise in support of this bill and in particular, the provisions extending whistleblower protections to federal employees who work on national security matters, including those employed by the Transportation Security Administration.

The simple fact is that TSA screeners are treated differently than other Department of Homeland Security personnel. That is why I authored the provisions in the Implementing the 9/11 Commission Recommendations Act of 2007, which the House passed in January, that would give TSOs whistleblower and collective bargaining rights.

Astonishingly, the President has threatened to veto the 9/11 bill over this provision.

TSA screeners are frontline security workers who perform a crucial and often grueling job that requires training, experience, and patience. We need workers who have mastered the job and providing whistleblower protections to TSA employees is part of a broader strategy to ensure that these individuals will make a career of protecting our Nation.

I intend to vote for this bill not only to strengthen protections for whistleblowers and restore accountability to the federal government, but to advance this critical TSA provision through the legislative process and show the President that we are serious about giving our frontline security workers the same rights as other Department of Homeland Security personnel.

I urge my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Chairman, I applaud Chairman WAXMAN, Ranking Member DAVIS, and others for their work on this badly needed bill.

This bill extends whistleblower protections to Federal employees who work on national security, mainly in the intelligence area, workers in the Transportation Security Administration, especially screeners, and Federal contractors, amongst others.

As Chairman WAXMAN correctly identified, there is a tremendous need to protect Federal workers and contractors who are our best sources of identifying waste fraud, abuse or security problems.

This bill treats Transportation Security Officers (TSOs) the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, others will tell you that TSOs have adequate whistleblower rights. While this is debatably true on paper, it is not true in practice.

The truth is TSOs do not enjoy full whistleblower protections. They have extremely limited whistleblower protections granted by a Memorandum of Understanding (MOU) that was entered into when TSA was part of the Department of Transportation.

In fact, while reviewing a TSO whistleblower claim in 2004, the Merit Systems Protection Board (MSPB) ruled that the Homeland Security Act does not provide TSO whistleblowers with a right to MSPB review.

Compared to other Department employees who do enjoy the right to MSPB review, TSOs are treated differently.

Under the MOU, TSOs can only bring a claim to the Office of Special Counsel, but TSOs have no right of outside appeal to either the MSPB or any other independent agency or court, like all other the Department employees can.

This bill remedies this situation by giving the TSOs full whistleblower rights, including the right to independent outside review.

Besides independent outside review, this bill also allows a whistleblower to go to court if their claim has not been acted on within 6 months of filing.

This bill permits the whistleblower to bring an appeal on their case to any federal court of appeals having proper jurisdiction over the case.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies.

As we know, whistleblowers in the intelligence community must be careful when they disclose certain information.

This bill helps govern how these people can bring their claims, but it also adequately protects any sensitive or classified information that may be involved.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, has some similar effects as H.R. 985, mainly that it provides whistleblower protections to TSOs.

H.R. 1 also fixes the poor morale problems by allowing collective bargaining rights for TSOs, similar to other law enforcement officers and others within the Department, such as the Border Patrol and Customs and Border Protection Officers.

Nonetheless, I am happy to vote for H.R. 985 today as it not only makes America safer and more secure, but it also allows for all employees to report waste, fraud, or abuse of vital and limited government resources.

I urge my colleagues to support the bill.

Mrs. MALONEY of New York. Mr. Chairman, as a cosponsor of this legislation, I rise in strong support of H.R. 985, the Whistleblower Protection Act.

I think one thing we can all agree on is that the current system is broken and whistleblowers are simply not being protected.

Too often our system retaliates against whistleblowers rather than thanking them for standing up for what is right.

The Oversight and Government Reform Committee has heard from many of them, including Sibel Edmonds, the former FBI Translator who was fired for raising concerns about the way the FBI was translating important information about our security.

Her reward for blowing the whistle included having her security clearance stripped, being fired from her job and being forced to endure a years-long court battle that prevented her from any sort of normal life.

Things were so bad with her case that when she testified before the committee she literally could not tell us anything about her life—where she was born or which languages she speaks.

Sadly, she is not alone.

The Whistleblower Protection Act (WPA) has been weakened by court cases in recent years and even the weak protections offered under the WPA do not apply to national security whistleblowers or contractors at those agencies.

The Oversight Committee repeatedly has heard from people who have had their security clearances revoked after blowing the whistle.

We have been told that wrongdoers have been allowed to continue their actions while the whistleblower has been the one made to suffer.

In the 109th Congress I was joined by my colleague Representative DIANE WATSON in offering an amendment during the Committee's consideration of the Federal Employee Protection of Disclosures Act that would have extended whistleblower protections to employees in national security and the intelligence community.

I am thrilled that this legislation will extend these important protections to employees of intelligence agencies and to federal contractors.

Passage of this bill is long overdue.

I urge my colleagues to vote for this legislation.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to have joined Chairman WAXMAN and Ranking Member DAVIS in sponsoring the Whistleblower Protection Enhancement Act of 2007.

The Whistleblower Protection Act of 2007 strengthens current law to protect whistleblowers in Federal agencies. Since 1994, the Whistleblower Protection Act has been gutted by judicial activism. The legislation would grant whistleblowers the right to challenge reprisals in Federal district court and clarifies that ''any'' protected disclosure applies to all lawful communication of misconduct. It would extend whistleblower protection rights to whistleblowers in the intelligence community and would extend these rights to federally funded contractors.

Extending whistleblower protection to the intelligence community is a critical aspect of this legislation. Most national security whistleblowers are not protected from retaliation by law. The National Security Whistleblower Coalition reports that the median number of years of government service for national security whistleblowers is 22 years. These employees are experienced and dedicated and their careers should not be put at risk when they report waste, fraud, and abuse. Protecting national security whistleblowers from retaliation is in the best interest of our national security.

I do have concerns about one group of workers that do not have whistleblower protection—postal workers. The Postal Service is not, by law, subject to the Whistleblower Protection Act—WPA. The Service's Employee and Labor Relations Manual—ELM—contains provisions adopted by the service that replicate the more significant protections found in the WPA for victims of unlawful reprisal. The ELM provisions, however, only concern ''corrective actions''; they do not mandate discipline for managers who retaliate against whistleblowers.

As chairman of the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, I will hold a hearing to examine the need to extend full whistleblower protections to postal employees.

Chairman WAXMAN, thank you for your advocacy in this area.

Mr. PLATTS. Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman, I thank my colleague for his presentation, and I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of the bill, modified by the amendments printed in the bill, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Whistleblower Protection Enhancement Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CLARIFICATION OF DISCLOSURES COVERED.

Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation''; and

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''.

SEC. 3. COVERED DISCLOSURES.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the ⟦employee⟧ *employee or applicant* providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

SEC. 4. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation,

gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to or readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 5. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' at the end;

(2) by redesignating clause (xi) as clause (xii); and

(3) by inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) by redesignating paragraph (12) as paragraph (14); and

(3) by inserting after paragraph (11) the following:

''(12) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosures to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 and following) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.';

''(13) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary factfinding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; or''.

SEC. 6. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency; or

''(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

SEC. 7. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under such paragraph (8) or (9) (as the case may be) was the primary motivating factor, unless that employee demonstrates, by a preponderance of the evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 8. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON REVOCATION OF SECURITY CLEARANCES.

(a) REQUIREMENT.—The Comptroller General shall conduct a study of security clearance revocations, taking effect after 1996, with respect to personnel that filed claims under chapter 12 of title 5, United States Code, in connection therewith. The study shall consist of an examination of the number of such clearances revoked, the number restored, and the relationship, if any, between the resolution of claims filed under such chapter and the restoration of such clearances.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the study required by subsection (a).

SEC. 9. ALTERNATIVE RECOURSE.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) If, in the case of an employee, former employee, or applicant for employment who seeks corrective action (or on behalf of whom corrective action is sought) from the Merit Systems Protection Board based on an alleged prohibited personnel practice described in section 2302(b)(8), no final order or decision is issued by the Board within 180 days after the date on which a request for such corrective action has been duly submitted (or, in the event that a final order or decision is issued by the Board, whether within that 180-day period or thereafter, then, within 90 days after such final order or decision is issued, and so long as such employee, former employee, or applicant has not filed a petition for judicial review of such order or decision under subsection (h))—

''(A) such employee, former employee, or applicant may, after providing written notice to the Board, bring an action at law or equity for de novo review in the appropriate United States district court, which shall have jurisdiction over such action without regard to the amount in [controversy;] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury;* and

''(B) in any such action, the court—

''(i) shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate, including any relief described in subsection (g).

An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

''(2) For purposes of this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the district in which the prohibited personnel practice is alleged to have been committed, the judicial district in which the employment records relevant to such practice are maintained and administered, or the judicial district in which resides the employee, former employee, or applicant for employment allegedly affected by such practice.

''(3) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether pursuant to section 1214(b)(2), the preceding provisions of this section, section 7513(d), or any otherwise applicable provisions of law, rule, or regulation.''.

(b) REVIEW OF MSPB DECISIONS.—Section 7703(b) of such title 5 is amended—

(1) in the first sentence of paragraph (1), by striking ''the United States Court of Appeals for the Federal Circuit'' and inserting ''the appropriate United States court of appeals''; and

(2) by adding at the end the following:

''(3) For purposes of the first sentence of paragraph (1), the term 'appropriate United States court of appeals' means the United States Court of Appeals for the Federal [Circuit.] *Circuit, except that in the case of a prohibited personnel practice described in section 2302(b)(8) (other than a case that, disregarding this paragraph, would otherwise be subject to paragraph (2)), such term means the United States Court of Appeals for the Federal Circuit and any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court for purposes of such prohibited personnel practice.*''.

(c) COMPENSATORY DAMAGES.—Section 1221(g)(1)(A)(ii) of such title 5 is amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs).''.

[(c)] *(d)* CONFORMING AMENDMENTS.—

(1) Section 1221(h) of such title 5 is amended by adding at the end the following:

''(3) Judicial review under this subsection shall not be available with respect to any decision or order as to which the employee, former employee, or applicant has filed a petition for judicial review under subsection (k).''.

(2) Section 7703(c) of such title 5 is amended by striking ''court.'' and inserting ''court, and in the case of a prohibited personnel practice described in section 2302(b)(8) brought under any provision of law, rule, or regulation described in section 1221(k)(3), the employee or applicant shall have the right to de novo review in accordance with section 1221(k).''.

SEC. 10. NATIONAL SECURITY WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303a. National security whistleblower rights

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—In addition to any rights provided in section 2303 of this title, title VII of Public Law 105–272, or any other provision of law, an employee, former employee, or applicant for employment in a covered agency may not be discharged, demoted, or otherwise discriminated against (including by denying, suspending, or revoking a security clearance, or by otherwise restricting access to classified or sensitive information) as a reprisal for making a disclosure described in paragraph (2).

''(2) DISCLOSURES DESCRIBED.—A disclosure described in this paragraph is any disclosure of covered information which is made—

''(A) by an employee, former employee, or applicant for employment in a covered agency (without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee, former employee, or applicant, including a disclosure made in the course of an employee's duties); and

''(B) to an authorized Member of Congress, an authorized official of an Executive agency, an authorized official of the Department of Justice, or the Inspector General of the covered agency in which such employee is employed, such former employee was employed, or such applicant seeks employment.

''(b) INVESTIGATION OF COMPLAINTS.—An employee, former employee, or applicant for employment in a covered agency who believes that such employee, former employee, or applicant has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General and the head of the covered agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the employee, former employee, or applicant and to the head of the covered agency.

''(c) REMEDY.—

''(1) Within 180 days of the filing of the complaint, the head of the covered agency shall, taking into consideration the report of the Inspector General under subsection (b) (if any), determine whether the employee, former employee, or applicant has been subjected to a reprisal prohibited by subsection (a), and shall either issue an order denying relief or shall implement corrective action to return the employee, former employee, or applicant, as nearly as possible, to the position he would have held had the reprisal not occurred, including voiding any directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, as well as providing back pay and related benefits, medical costs incurred, travel expenses, [and any other reasonable and foreseeable consequential damages including attorney's fees and costs.] *any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs).* If the head of the covered agency issues an order denying relief, he shall issue a report to the employee, former employee, or applicant detailing the reasons for the denial.

''(2)(A) If the head of the covered agency, in the process of implementing corrective action under paragraph (1), voids a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, the head of the covered agency may re-initiate procedures to issue a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information only if those re-initiated procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal.

''(B) In any case in which the head of a covered agency re-initiates procedures under subparagraph (A), the head of the covered agency shall issue an unclassified report to its Inspector General and to authorized Members of Congress (with a classified annex, if necessary), detailing the circumstances of the agency's re-initiated procedures and describing the manner in which those procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal. The head of the covered agency shall also provide periodic updates to the Inspector General and authorized Members of Congress detailing any significant actions taken as a result of those procedures, and shall respond promptly to inquiries from authorized Members of Congress regarding the status of those procedures.

''(3) If the head of the covered agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or he has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the employee, former employee, or applicant for employment may bring an action at law or equity for de novo review to seek any corrective action described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2)), which shall have jurisdiction over such action without regard to the amount in [controversy.] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.* [A petition to review a final decision under this paragraph shall be filed in the United States Court of Appeals for the Federal Circuit.] *An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.*

''(4) An employee, former employee, or applicant adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any corrective action determined under paragraph (1), may obtain judicial review of such order or determination in the United States Court of Appeals for the Federal [Circuit.] *Circuit or any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court.* No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement corrective action by the head of the agency. Review shall conform to chapter 7.

''(5)(A) If, in any action for damages or relief under paragraph (3) or (4), an Executive agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the 'state secrets privilege', and if the assertion of such privilege prevents the [plaintiff] *employee, former employee, or applicant* from establishing an element in support of the [plaintiff's] *employee's, former employee's, or applicant's* claim, the court shall resolve the disputed issue of fact or law in favor of the [plaintiff] *employee, former employee, or applicant*, provided that an Inspector General investigation under subsection (b) has resulted in substantial confirmation of that element, or those elements, of the [plaintiff's] *employee's, former employee's, or applicant's* claim.

''(B) In any case in which an Executive agency asserts the privilege commonly referred to as the 'state secrets privilege', whether or not an Inspector General has conducted an investigation under subsection (b), the head of that agency shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the employee, former employee, or applicant for employment, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

''(d) APPLICABILITY TO NON-COVERED AGENCIES.—An employee, former employee, or applicant for employment in an Executive agency (or element or unit thereof) that is not a covered agency shall, for purposes of any disclosure of covered information (as described in subsection (a)(2)) which consists in whole or in part of classified or sensitive information, be entitled to the same protections, rights, and remedies under this section as if that Executive agency (or element or unit thereof) were a covered agency.

''(e) CONSTRUCTION.—Nothing in this section may be construed—

''(1) to authorize the discharge of, demotion of, or discrimination against an [employee] *employee, former employee, or applicant for employment* for a disclosure other than a disclosure protected by subsection (a) or (d) of this section or to modify or derogate from a right or remedy otherwise available to an employee, former employee, or applicant for employment; or

''(2) to preempt, modify, limit, or derogate any rights or remedies available to an employee, former employee, or applicant for employment under any other provision of law, rule, or regulation (including the Lloyd-La Follette Act).

No court or administrative agency may require the exhaustion of any right or remedy under this section as a condition for pursuing any other right or remedy otherwise available to an employee, former employee, or applicant under any other provision of law, rule, or regulation (as referred to in paragraph (2)).

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered information', as used with respect to an employee, former employee, or applicant for employment, means any information (including classified or sensitive information) which the employee, former employee, or applicant reasonably believes evidences—

''(A) any violation of any law, rule, or regulation; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(2) the term 'covered agency' means—

''(A) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office; and

''(B) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii)(II) to have as its principal function the conduct of foreign intelligence or counterintelligence activities;

''(3) the term 'authorized Member of Congress' means a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the committees of the House of Representatives or the Senate that have oversight over the program about which the covered information is disclosed;

''(4) the term 'authorized official of an Executive agency' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall, with respect to any employee, former employee, or applicant for employment in an agency, include—

''(A) the immediate supervisor of the employee or former employee and each successive supervisor (immediately above such immediate supervisor) within the employee's or former employee's chain of authority (as determined under such regulations); and

''(B) the head, general counsel, and ombudsman of such agency; and

''(5) the term 'authorized official of the Department of Justice' means any employee of the Department of Justice, the duties of whose position include the investigation, enforcement, or prosecution of any law, rule, or regulation.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303a. National security whistleblower rights.''.

SEC. 11. ENHANCEMENT OF CONTRACTOR EMPLOYEE WHISTLEBLOWER PROTECTIONS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 315(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(c)) is amended—

(1) in paragraph (1), by striking ''If the head'' and all that follows through ''actions:'' and inserting the following: ''Not later than 180 days after submission of a complaint under subsection (b), the head of the executive agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:''; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

''(3) If the head of an executive agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in ⟦controversy.⟧ *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury*.''.

(b) ARMED SERVICES CONTRACTS.—Section 2409(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''If the head'' and all that follows through ''actions:'' and inserting the following: ''Not later than 180 days after submission of a complaint under subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:''; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

''(3) If the head of an agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in ⟦controversy.⟧ *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury*.''.

SEC. 12. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303a (as inserted by section 10) the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b)(1), (8), and (9);

''(2) any provision of law implementing section 2302(b)(1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.

''(c) EFFECTIVE DATE.—This section shall take effect as of the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.

''2305. Responsibility of the Government Accountability Office.

''2306. Coordination with certain other provisions of law.''.

SEC. 13. CLARIFICATION OF WHISTLEBLOWER RIGHTS RELATING TO SCIENTIFIC AND OTHER RESEARCH.

Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f) As used in section 2302(b)(8), the term 'abuse of authority' includes—

''(1) any action that compromises the validity or accuracy of federally funded research or analysis; and

''(2) the dissemination of false or misleading scientific, medical, or technical information.''.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act, except as provided in the amendment made by section 12(a)(2).

The Acting CHAIRMAN. No further amendment is in order except those printed in House Report 110–48. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–48.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUPAK:

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''technical.'.'' and insert ''technical; and''.

Page 28, after line 21, add the following:

''(3) any action that restricts or prevents an employee or any person performing federally funded research or analysis from publishing in peer-reviewed journals or other scientific publications or making oral presentations at professional society meetings or other meetings of their peers.''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, thank you for allowing me an opportunity to address my amendment, and I thank the Rules Committee for making my amendment in order. I want to recognize Mr. WAXMAN, Mr. BRALEY, Mr. DAVIS, and others of the Government Reform Committee for advancing a good bill, and I want to thank Mr. MARKEY for his help with this amendment and for his previous work in protecting the right of government scientists to publish their findings.

One of the most important sections of H.R. 985 deals with protecting the integrity of the scientific process by shielding whistleblowers who report tampering with government scientific investigations. My amendment would enhance whistleblower protection by including in the list of reportable actions any attempt to suppress the right of government scientists to publish or announce their findings in peer reviewed journals or public meetings with their fellow scientists.

In science, one of the strongest signs of credibility in a study is that the scientists are given a right to publish their rights freely, whatever those results may be. Completed studies are

submitted to peer-reviewed journals for consideration, allowing the scientific community at large to review, challenge and incorporate new findings.

The peer review process is a critical step in the development of scientific knowledge, and the transparency inherent in the process is one of our strongest safeguards against corrupted or misleading scientific claims.

Scientific studies funded by the taxpayers should be held to this same high standard. Political pressure on scientists to suppress or hide the results of their research is a direct attack on the public interest, and employees who report suppression of their scholarly publications should be given the same protection as those who report other kinds of corruption or abuse of authority.

My amendment would protect science in the public sector and has been endorsed by the Union of Concerned Scientists, a leading nonprofit organization dedicated to issues of scientific integrity.

Congress has already had some experience with this issue. In November 2004, the Senate Finance Committee heard testimony from Dr. David Graham, the whistleblower in the Vioxx case. Dr. Graham described how senior managers within the Office of Drug Safety of the FDA attempted to block publication of his study on the dangers of Vioxx, even going so far as to call the editors of The Lancet, a prestigious medical journal, to attack Dr. Graham's work.

Dr. Graham's case is not an isolated incident. In a recent survey by the Union of Concerned Scientists, 150 of 279 government scientists reported some sort of political interference with their work. When asked whether they believed they were free to publish results that might go against the political positions of their agency, a majority of those scientists who answered the question felt they were not free to publish.

We all know how important good science is in helping us make good public policy. As chairman of the Subcommittee on Oversight and Investigations, I am especially aware of the critical role whistleblowers have in rooting out abuses of power and aiding Congress in its oversight responsibilities.

My amendment helps to make the important scientific integrity section of the base bill more comprehensive and more clear. My amendment will protect the public's right to know the results of publicly funded research, and will help make a good bill even better.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this amendment would amend the section of the bill dealing with the so-called ''politicization of science'' to say that Federal researchers and scientists are permitted to publicize the results of their federally funded research without any input from the agency paying their salaries and employing them.

First of all, I think it is inappropriate to shoehorn the debate about public policy influencing science into a bill about protecting whistleblowers. That is why I intend to support Mr. SALI's upcoming amendment to strike entirely the section which gives rise to this amendment.

Second, this amendment would make worse the provision in the underlying bill which would turn the natural tension between science and public policy into a personnel issue to be litigated in the courts.

The whistleblower laws protecting Federal employees are intended to protect individuals retaliated against for exposing waste, fraud, or abuse in government. This amendment has nothing to do with waste, fraud, or abuse, it actually has to do with one person's opinion.

Instead, this amendment would give an individual Federal researcher who conducts research using taxpayer dollars the full discretion as to how and where to publicize his or her research, prohibiting the agency who financed the research and for whom the researcher works from even getting involved in that process.

If a Federal researcher conducts a study using Federal money and decides he or she wants to present the research at a meeting in, say, Cuba, Iran, the Federal Government can wind up in court if it attempts to prevent the researcher from presenting the findings in that country.

Or if a Federal researcher conducts a study using Federal money on a classified national security matter involving, let's say, satellite technology, the Federal Government would be legally barred from having any say in how and to whom that information gets disseminated.

It is an overreach. This amendment protects one individual's right to determine how best to use taxpayer dollars instead of the collective judgment of elected and appointed policymakers. And to add insult to injury, the underlying bill would require taxpayers to pay the attorneys' fees of the individual should the researcher sue the government for trying to get involved.

To make matters worse, there is nothing in this amendment that would bar the Federal researcher from touting the fact that his or her work was ''Federal research,'' giving it the pretense of being research endorsed by the American public. It is a slippery slope to scientific chaos where the taxpayer foots the bill for conflicting, misleading, and possibly even poorly done work. There are no protections for the public or taxpayers for this amendment.

We have held a number of hearings in the Oversight and Government Reform Committee under the leadership of Chairman WAXMAN to investigate the possibility of ''politicization'' of science, and I understand the problem this amendment is attempting to address. I don't think, however, this is the way to do it. This is possibly a deal killer in terms of how this bill comes together in getting support from this side of the aisle.

This amendment is bad public policy, and it is bad for national security. I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STUPAK. Mr. Chairman, I will be brief.

I sat for 12 years on the Energy and Commerce Committee, Oversight and Investigations, and I cannot tell you how many times we have dealt with scientists who have come forward under a whistleblower status, or will call us up in cases like the Vioxx that I mentioned.

I have an article I will include for the RECORD where a scientist said, ''FDA Called Journal to Block Vioxx Article.'' Thousands of people have died because a drug was put forth on the market because the scientist within the FDA was not allowed to publish the results of his study and was not allowed to speak at advisory panels.

We also see that in a drug called Ketek. It is a drug we continue to do investigation on, and we will have further hearings next week on it, how fraudulent studies were put forth before the FDA. The scientists knew it, and the FDA suppressed the evidence and allowed the drug to be approved, to the detriment and the death of many Americans.

And there is the drug Accutane which has many mysterious questions surrounding it, and people have not been allowed to testify at advisory panels which must approve a drug before it is put forth for public use.

This is a safety issue, and 150 of 279 government scientists reported political interference with their work.

My amendment protects the public right to know the results of taxpayer-funded research. What is wrong with that?

This amendment is a good amendment. It will make the bill better. I ask that my amendment be approved.

[From USA Today]

SCIENTIST SAYS FDA CALLED JOURNAL TO BLOCK VIOXX ARTICLE

(By Rita Rubin)

Just days before a medical journal was to publish a Food and Drug Administration-sponsored study that raised concerns about the safety of the arthritis drug Vioxx, an FDA official took the unusual step of calling the editor to raise questions about the findings' scientific integrity, suggests e-mail obtained by USA TODAY.

Lead author David Graham says the call was part of an effort to block publication of his research, an analysis of a database of 1.4 million Kaiser Permanente members showing that those who took Vioxx were more likely to suffer a heart attack or sudden cardiac death than those who took Celebrex,

Vioxx's rival. Graham had reported his study in August at an epidemiology meeting in France, but publication in a medical journal would have exposed it to a wider audience.

Graham, associate director for science and medicine at the FDA's Office of Drug Safety, says The Lancet, a medical journal published in London, had planned to post the study on its Web site Nov. 17, a day in advance of his appearance before the Senate Finance Committee to testify about the FDA's handling of Vioxx.

Merck had pulled the drug from the market Sept. 30 because of safety concerns. Publication of the study could have embarrassed the FDA, which was being criticized for not warning patients sooner of Vioxx's cardiovascular risks.

Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research, said Sunday that Graham's charges are unfounded. ''We didn't make any efforts to block publication in The Lancet,'' he said. ''What we did is let The Lancet know that the paper was submitted in violation of the agency's clearance process.'' Graham had sought to publish his study before getting the FDA's OK, Galson said.

And in a written statement, FDA Acting Commissioner Lester Crawford said that Galson contacted Lancet editor Richard Horton ''out of respect for the scientific review process.''

Galson said he would like to see the paper published some day but didn't see the value of timing its release to the Senate hearing, ''not exactly a scientific imperative.''

Graham says he pulled his paper at the last minute because he feared for his job. Following is a chronology of the events surrounding the paper's withdrawal:

Nov. 12. Galson called Horton to tell him that the FDA had not cleared Graham's paper for publication. He then e-mailed Horton a link to a document describing the FDA's internal review process for journal articles. ''As you will see, there are some ambiguities here,'' Galson said in his e-mail.

In a later e-mail to Horton that day, Galson brought up points from a nine-page review of Graham's study by Ann Trontell, deputy director of the FDA's drug safety office. Galson and Trontell noted discrepancies between the article submitted to The Lancet and an abstract of the study that had been submitted in May for presentation at a second scientific meeting, an American College of Rheumatology conference. Trontell's review, which Graham had forwarded to Horton, refers to ''potential charges of data manipulation.''

Graham says he had already explained the discrepancies to his superiors at the FDA. After the abstract was submitted to the rheumatology group, Graham says, he discovered two problems: A computer program had misclassified the amount of Vioxx some patients had taken; and one of his co-authors noticed that an analysis Graham had done was incorrect.

Graham says the rheumatology group told him that it was too late to correct the printed abstract, but that he could present the corrected analysis at its annual meeting in October, as he had at the epidemiology meeting in August

Nov. 14. In an e-mail to Galson, Horton wrote, ''You will not be surprised if I say that I was a little taken aback to get your call on Friday (Nov. 12). It is very unusual indeed for a member of the employing institution of an author to contact us in the middle of the review and publication process of a manuscript.''

Horton wrote that Galson's call could be perceived as an improper attempt to interfere with The Lancet's review process. Raising the possibility that a scientist manipulated data ''is an extremely serious allegation,'' Horton wrote. ''One could read such an allegation as an attempt to introduce doubt into our minds about the honesty of the authors—doubt that might be sufficient to delay or stop publication of research that was clearly of serious public interest''

Nov. 18. Graham told a Senate panel that the FDA is ''virtually defenseless'' against another ''terrible tragedy and a profound regulatory failure'' like Vioxx.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I don't think there is a Member of this House that doesn't sympathize with what the gentleman from Michigan is trying to do.

The difficulty is the way this amendment is drafted. It is a huge overreach. It allows anybody who is doing research under the auspices of the Federal Government to then publish it without any kind of overview from their superiors, who sometimes have competing reports and deliberations as they reach a public policy decision.

This is bad law. It allows attorneys' fees in the case where somebody is denied that opportunity.

This kind of overreach amendment is not about whistleblowing at all; it is a politicization of science from the other perspective. I urge Members to defeat this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment, and I thank the gentleman from Michigan for introducing this amendment which would enhance a provision of underlying legislation that protects scientific whistleblowers.

The underlying provision clarifies that whistleblowers disclosing political or ideological interference with Federal science are protected from retaliation. This amendment furthers that goal by affirming that Federal scientists and grantees should also be able to report censorship of scientific debate without fearing reprisal.

I support passage of this amendment. I urge Members to vote ''yes.''

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. PLATTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–48.

Mr. PLATTS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PLATTS:

Strike the heading for section 3 and insert the following (and amend the table of contents accordingly):

SEC. 3. DEFINITIONAL AMENDMENTS.

In section 3, insert ''(a) DISCLOSURE.—'' before ''Section'' and add at the end the following:

(b) CLEAR AND CONVINCING EVIDENCE.—Sections 1214(b)(4)(B)(ii) and 1221(e)(2) of title 5, United States Code, are amended by adding at the end the following: ''For purposes of the preceding sentence, 'clear and convincing evidence' means evidence indicating that the matter to be proved is highly probable or reasonably certain.''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would require the Merit Systems Protection Board to rely on a consistent standard for clear and convincing evidence, which is the burden of proof that must be met to sustain an agency's affirmative defense that it would have taken the same personnel action in question independent of an employee's protected contact.

Under the amendment, clear and convincing evidence will be defined as ''evidence indicating that the matter to be proved is highly probable or reasonably certain.'' This standard is consistent with United States Supreme Court precedent and administrative decisions for remedial employment statutes.

By way of background, when Congress passed the Whistleblower Protection Act of 1989, it intended to toughen the legal burden of proof for a Federal agency's affirmative defense once a whistleblower establishes a prima facie case of retaliation from ''preponderance of the evidence'' to ''clear and convincing evidence.'' However, just the opposite has occurred. The clear and convincing evidence standard is now the primary basis cited to rule against whistleblowers in decisions on merits.

The reason behind this is that the Merit Systems Protection Board has created a unique test for clear and convincing evidence which is inconsistent with long-established judicial and administrative norms. In assessing the standard, the board considers three factors:

First, the merits of an agency's stated independent justification for acting against a whistleblower; second, whether there was a motive to retaliate; and third, whether the action reflects discriminatory treatment compared to that afforded employees who have not engaged in protective conduct.

The three-part test leaves the board with broad discretion in any given case with respect to how many criteria an agency must demonstrate and what level of proof must be demonstrated for each factor.

Adoption of this amendment is necessary in order to restore congressional intent in passing the Whistleblower Protection Act.

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Through the WPA and this legislation we are now considering, Congress has defined the terms for two of the three tests an employee must pass to obtain relief: ''reasonable belief'' and ''contributing factor.'' For the administrative process to function as intended, Congress must also define ''clear and convincing evidence.''

Accordingly, I urge a ''yes'' vote on the amendment. I appreciate this amendment being made in order by the Rules Committee.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Pennsylvania and commend him for his work.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I oppose this amendment. This amendment would raise the threshold by which agencies must prove they would have taken disciplinary action against an employee notwithstanding the employee's whistleblower claim.

Current law requires agencies to prove this by clear and convincing evidence. This amendment raises the threshold and requires agencies to prove that such action was highly probable or reasonably certain.

There may be a real issue here which must be addressed, but after working on this bill for years now yesterday was the first time that this issue was brought to our attention.

On its face, I am concerned this amendment would raise an already high threshold imposed upon agencies trying to prove they are placing an employee on administrative leave because, for example, the employee sexually harassed another employee and not because the employee is a whistleblower. The current clear and convincing evidence standard seems a sufficient burden of proof to impose upon agencies.

I am also concerned we may be establishing a dangerous precedent by further defining in one isolated statute what the term ''clear and convincing evidence'' means. Does the U.S. Code typically define standards of proof such as ''clear and convincing'' and ''beyond a reasonable doubt'' or are these terms of art defined in case law? And does this new definition of ''highly probable'' or ''reasonably certain'' actually solve the problem or does it make it even more confusing for courts and litigants?

Mr. Chairman, there may be a valid issue here worth investigating. It is entirely possible that the Office of Special Counsel, the Merit Systems Protection Board and the courts are getting this wrong, but we should review this proposed change and vet it through the committee process before amending the Whistleblower Protection Act.

The good news is we have an opportunity to address these questions. The authorizations for both the Office of Special Counsel and the Merit Systems Protection Board expire this year, and the committee can and should carefully review the issue as we consider these reauthorizations.

I think my concern on this, if there is a pending sexual harassment claim against an employee, and they all of the sudden turn out and become a whistleblower, that then in the sexual harassment claim we have a higher standard, and for the litigant, the person that has been harassed in that case, they have a higher burden of proof than they would notwithstanding the whistleblower claim. I do not think that is fair to the person who is being harassed in this case, and I do not see a need for it.

So I urge my colleagues to oppose this amendment today and allow the committee in regular order to consider carefully and foil this problem identified by my good friend and colleague Mr. PLATTS.

Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I appreciate the gentleman's concerns raised and certainly will keep them in mind as we move forward with this process today and in the weeks and months to come.

I yield 1½ minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Pennsylvania and commend him for his work. This amendment will clarify the standard used to evaluate an employee's defense when a whistleblower claims that an employer acted in illegal retaliation.

When a whistleblower claims that an agency engaged in a retaliatory action, it is an affirmative defense for the agency if it can prove that it would have taken the same action even if the employee had not blown the whistle. This is, in fact, the same type of analysis that takes place in sex discrimination and sexual harassment claims, and yet nothing in this amendment would impose a different burden of proof in those cases because they are statutory-based claims and are not affected by the amendment.

Congress set the agency's burden of proof for this defense as ''clear and convincing evidence'' in the Whistleblower Protection Act. The Merit Systems Protection Board has ignored the intent of Congress and implemented its own test for evaluating whether or not an agency has shown clear and convincing evidence that it would have taken the same action anyway.

This has made it almost impossible for employees to successfully challenge retaliatory personnel actions.

This amendment defines clear and convincing evidence as evidence indicating that the matter to be proved is highly probable or reasonably certain.

This is a commonsense fix that clarifies Congress' intent.

I support this amendment which will further strengthen protection for whistleblowers and urge all Members to vote ''yes'' in support of the amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I just urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. PLATTS. Mr. Chairman, again, I appreciate the gentleman from Iowa's support and words in support of this amendment and urge a ''yes'' vote. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PLATTS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PLATTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–48.

Mr. PLATTS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PLATTS:

In section 2, in the matter to be inserted by paragraphs (1)(A) and (2)(A) thereof, insert ''forum,'' after ''context,''.

In section 2, insert ''(a) IN GENERAL.—'' before ''Section'' and add at the end the following:

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214 and in subsections (a) and (e)(1) of section 1221 by inserting ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)'' each place it appears.

In section 1221(k)(1) of title 5, United States Code (as added by section 9(a)), insert ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)''.

In section 7703(b)(3) of title 5, United States Code (as added by section 9(b)(2)), insert ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)''.

In the matter to be inserted by section 9(d)(2) in section 7703(c) of title 5, United States Code, insert ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)''.

In section 2303a(a)(2)(A) of title 5, United States Code (as amended by section 10(a)), insert ''forum,'' after ''context,''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Mr. Chairman, I yield myself as much time as I may consume.

This amendment is intended to address situations in which an employee faces retaliation for being associated with whistleblowers through his or her testimony in a legal proceeding, and to encourage cooperation with Inspector General and Office of Special Counsel investigations, as well as compliance with the law.

Oddly, under current law, whistleblowers who make their disclosures of waste, fraud or abuse in the context of another employee's legal appeal, a grievance hearing, an Inspector General or Office of Special Counsel investigation are not given the same protections as other whistleblowers, such as those who blow the whistle on national television. This simply does not make sense.

My amendment would rectify this situation in three ways. First, the amendment would clarify that a protected disclosure cannot be disqualified because of the forum in which it is made, such as through witness testimony in another employee's appeal.

Second, the amendment would establish more realistic burdens of proof, the same as exist in most whistleblower cases, for those who were retaliated against because they testified on behalf of an employee exercising their legal rights, because they cooperated with an Inspector General or Special Counsel investigation, or because they refused to obey an order that would have required a violation of the law.

And third, the amendment gives these whistleblowers access to the same due process rights as other whistleblowers.

Testifying under oath, cooperating with an Inspector General or Special Counsel investigation, and refusing orders to violate the law are all important ways by which public servants can expose waste, fraud and abuse in the government. Accordingly, I urge a ''yes'' vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

This amendment clarifies that Federal whistleblowers are protected regardless of where they are or when they blow the whistle.

A whistleblower who makes a disclosure that is considered a whistleblower disclosure under 5 U.S.C. 2302(b)(8) gets the benefit of protections such as the right to challenge a retaliatory act by an employer. If the same whistleblower makes the same disclosure but does it while testifying as a plaintiff or as a witness in litigation, the whistleblower does not get the same protections.

We should protect Federal employees who expose government wrongdoing, no matter what the forum. This amendment appropriately extends Whistleblower Protection Act coverage to employees who make disclosures in litigation as described in 5 U.S.C. Section 2302(b)(9).

This amendment extends equal burdens of proof and individual rights of action to whistleblowers who serve as witnesses in Inspector General and Special Counsel investigations. This amendment also clarifies that these protections apply to Federal employees who face retaliation for refusing to violate the law.

I urge my colleagues to support this amendment, which closes these senseless loopholes.

Mr. Chairman, I yield back the balance of my time.

Mr. PLATTS. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from Pennsylvania (Mr. PLATTS) has 3½ minutes remaining. The gentleman from Iowa (Mr. BRALEY) has yielded back the balance of his time.

Mr. PLATTS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the ranking member of the Committee on Oversight and Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman from Pennsylvania and, once again, thank him for his leadership on this issue. I support this amendment.

This amendment will extend additional whistleblower protections against reprisal to employees who cooperate with their agency Inspector General or in some other official grievance or investigative process.

Unfortunately, courts have misread the intent of the Whistleblower Protection Act and have arbitrarily reclassified certain whistleblowing activity as an exercise of appeal right. These rights are covered under a different section of title V of the U.S. Code.

By reclassifying these activities as exercises of appeal right, the courts have deprived employees of whistleblowing protection for their same disclosure showing significant misconduct if presented in a grievance or litigation instead of, for example, in a television interview.

It could occur when an employee faces reprisal as one associated with a whistleblower when testifying in an IG investigation or Office of Special Counsel investigation.

It strikes me these are precisely the forums Congress intended the whistleblower to take. These are, in essence, whistleblowers who are operating within the existing chain of command. They have used the chain of command, not gone outside the system, but they are not afforded the same protection as those who do.

These are the forums where we can actually make a difference to policymakers. This amendment ends the inequity by clarifying that an otherwise protected disclosure cannot be disqualified because of the forum where it is communicated.

I support this amendment. I congratulate my friend for offering it.

Mr. PLATTS. Mr. Chairman, I would just like to again recognize the ranking member, the past several terms as the chairman of the Government Reform Committee. He and his staff have been instrumental in moving this issue forward and working with my staff and members on the other side as well, and want to recognize him and his staff for their great work.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SALI

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–48.

Mr. SALI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SALI:

Strike section 13 (and make all necessary technical and conforming changes).

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Idaho (Mr. SALI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

□ 1615

Mr. SALI. Mr. Chairman, my amendment would remove language from H.R. 985 that would prohibit dissent with respect to scientific research.

I filed my amendment because I believe it is inappropriate to attempt to shoehorn the debate about public policy influencing science into this legislation, thus turning it into a personnel issue to be litigated in the courts.

As set forth by section 13 of the bill, the dissemination of ''false or misleading technical information'' is deemed to be an ''abuse of authority'' upon which a Federal authority can make a protected disclosure.

The problem is that on scientific issues, the question of what is false or misleading is often a difficult question on which reasonable people can disagree, and on which sometimes scientific authorities have a hard time making up their minds. Are eggs good for you or bad for you? Is milk good for you or bad for you?

Section 13 of this bill has significant implications upon the development of scientific research conducted by the government, including research and development work at the Defense Department, as well as federally funded research on health and related issues. By including the science provisions in this bill, I am concerned that we are opening the door for debates in science to become the basis of litigation. Putting the threat of litigation on a healthy debate of science is not good public policy.

Furthermore, this clause potentially makes the tension between ethics and science the subject of litigation. For example, federally funded scientific research on human cloning should be debated amongst policymakers and agency officials without fear of retaliation by scientists and researchers. If an agency or the administration disagrees with the findings of a particular scientist, we should not be opening up our judicial system for those disagreements to be litigated as Federal employee personnel issues. That hardly seems like a responsible policy.

I urge my colleagues to oppose turning science into a personnel issue to be litigated in the courts.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in strong opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BRALEY of Iowa. For the past 6 years, there has been overwhelming political interference with science by the Bush administration. We have seen examples of government scientists barred from conducting or presenting research because it conflicts with administration policies. We have seen scientific findings manipulated or outright rejected when they don't bolster favored policies. And we have seen government agencies put out information about health that is entirely false, but politically advantageous. In one EPA report on the environment, the White House made so many edits to downplay the discussion of global warming that scientists at the agency said the draft no longer accurately represents scientific consensus on climate change.

The FDA delayed approval of plan B for over-the-counter use based on political, not scientific, reasons, causing senior FDA officials and scientific experts to resign in protest.

Numerous scientific and medical organizations have taken positions against this abuse of science. It has been condemned in the editorial pages of the most prominent scientific journals. The Journal of Science, for instance, said that this interference invades areas once immune to this kind of manipulation.

Mr. Chairman, 52 Nobel Laureates, 62 National Medal of Science winners, 194 members of the National Academies of Science and thousands of other American scientists have signed a statement speaking out against political interference in science. To prevent and remedy these kinds of problems, we have to know about them. That is why this legislation makes clear that employees who want to disclose these kinds of abuses are entitled to whistleblower protections. Our Federal scientists should not be punished at work for coming forward to report these abuses of science.

This legislation will have no effect at all on legitimate political or policy decisions related to scientific issues. All it does is prevent retaliation against employees who report abuses of science. The amendment we are debating now would strike this critical provision.

I strongly oppose the amendment and urge all Members to vote ''nay.''

Mr. Chairman, I reserve the balance of my time.

Mr. SALI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I rise in support of this amendment and for the exact same reason that my colleague on the other side of the aisle opposes it.

We have a predicament that we are dealing with in this very committee, in the Committee on Oversight and Government Reform. We are dealing with global warming. The $2 billion-plus that we spend every year, and scientists like Jim Hansen and others who have been out there saying what they want to freely, the way they want to, and they have done this at a time in which there is an allegation of a problem. Quite frankly, it is amazing that when I Google, I get tens of thousands of hits on a scientist who is talking about why global warming is a threat, why we have to do things quickly, and yet there is some theory that we have stifled science.

By treating science separately in the whistleblower status, we are doing a disservice to every scientist and treating them adversely, separately and differently. This simply wants to return us to a procedure that we had before, one that has worked. In fact, Jim Hansen, who will be before our committee next week, and others have gone through a vetting process and then proceeded to make freely the speeches they wanted to make. There has not been a need for whistleblower. In fact, scientists are free to express their opinions now, and that is appropriate; they can do it under the existing guidelines.

This amendment seeks to return us to what was a functioning system, one in which we supported science, and scientists have been free to say what they want to. There may be edits going up the process that the gentleman on the other side of the aisle objects to, but there were edits under the previous administration.

I urge support of the Sali amendment, recognizing that, in fact, this would be a sword that could cut both ways and the future could be adverse to the very scientists it seeks to assist.

Mr. BRALEY of Iowa. Mr. Chairman, this amendment, which strikes section 13 of the underlying bill, is very simple; all it does is expand the term ''abuse of authority'' under existing law to include any action that compromises the validity or accuracy of federally funded research or analysis. And it is the federally funded component of that clause that makes this amendment bad for the American people.

American taxpayers should not have the risk of important scientific research being impacted by political influence from any political party. That is why it is important that this amendment be defeated.

There are those that say that politics and science will always intersect. That is absolutely true. Science doesn't give us all the answers. We have to make political and policy decisions about the right path to follow.

For example, an administration might decide not to support a certain type of research. We may not agree with that decision, but the administration has a right to make it as long as it is honest about the information and rationale behind it. What is not acceptable is when the government actually manipulates science to advance its decisions.

Hiding data, releasing misinformation, gagging scientists, all to justify a political course of action, is wrong. That is the type of action that we want Federal employees to feel safe in reporting. And that is why this bill makes crystal clear that disclosures related to manipulation and distortion of science are protected disclosures. That is why I again call upon my colleagues on both sides of the aisle to join me in voting against this amendment.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. SALI. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from Idaho has 1 minute remaining.

Mr. SALI. Mr. Chairman, I would expect that the good gentleman that is debating against this amendment has policies in his office that allow him to control the message that comes out of his office, not to hide anything, I'm sure, but so that he will have a uniform message. That is important at times within government agencies.

What we do not want to do, Mr. Chairman, is, we do not want to include a provision in this bill that will put scientific debate in the middle of personnel issues for the Federal Government. We do not want to put the results of scientific research, we don't want to take that out of the grasp of debate by policymakers for fear of retaliation by scientists and researchers who are doing work for the Federal Government.

Mr. Chairman, this is good public policy to have this amendment, to take this section out of the bill; and I would

urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SALI).

The question was taken, and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SALI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–48.

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TIERNEY:

Page 13, strike line 19, and all that follows through page 24, line 7, and insert the following:

SEC. 10. NATIONAL SECURITY WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303a. National security whistleblower rights

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—In addition to any rights provided in section 2303 of this title, title VII of Public Law 105–272, or any other provision of law, an employee or former employee in a covered agency may not be discharged, demoted, or otherwise discriminated against (including by denying, suspending, or revoking a security clearance, or by otherwise restricting access to classified or sensitive information) as a reprisal for making a disclosure described in paragraph (2).

''(2) DISCLOSURES DESCRIBED.—A disclosure described in this paragraph is any disclosure of covered information which is made—

''(A) by an employee or former employee in a covered agency (without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or former employee, including a disclosure made in the course of an employee's duties); and

''(B) to an authorized Member of Congress, an authorized official of an Executive agency, or the Inspector General of the covered agency in which such employee or former employee is or was employed.

''(b) INVESTIGATION OF COMPLAINTS.—An employee or former employee in a covered agency who believes that such employee or former employee has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General and the head of the covered agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the employee or former employee (as the case may be) and to the head of the covered agency.

''(c) REMEDY.—

''(1) Within 180 days of the filing of the complaint, the head of the covered agency shall, taking into consideration the report of the Inspector General under subsection (b) (if any), determine whether the employee or former employee has been subjected to a reprisal prohibited by subsection (a), and shall either issue an order denying relief or shall implement corrective action to return the employee or former employee, as nearly as possible, to the position he would have held had the reprisal not occurred, including voiding any directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, as well as providing back pay and related benefits, medical costs incurred, travel expenses, any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs). If the head of the covered agency issues an order denying relief, he shall issue a report to the employee or former employee detailing the reasons for the denial.

''(2)(A) If the head of the covered agency, in the process of implementing corrective action under paragraph (1), voids a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, the head of the covered agency may re-initiate procedures to issue a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information only if those re-initiated procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal.

''(B) In any case in which the head of a covered agency re-initiates procedures under subparagraph (A), the head of the covered agency shall issue an unclassified report to its Inspector General and to authorized Members of Congress (with a classified annex, if necessary), detailing the circumstances of the agency's re-initiated procedures and describing the manner in which those procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal. The head of the covered agency shall also provide periodic updates to the Inspector General and authorized Members of Congress detailing any significant actions taken as a result of those procedures, and shall respond promptly to inquiries from authorized Members of Congress regarding the status of those procedures.

''(3) If the head of the covered agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or he has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the employee or former employee may bring an action at law or equity for de novo review to seek any corrective action described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2)), which shall have jurisdiction over such action without regard to the amount in controversy. An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

''(4) An employee or former employee adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any corrective action determined under paragraph (1), may obtain judicial review of such order or determination in the United States Court of Appeals for the Federal Circuit or any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court. No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement corrective action by the head of the agency. Review shall conform to chapter 7.

''(5)(A) If, in any action for damages or relief under paragraph (3) or (4), an Executive agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the 'state secrets privilege', and if the assertion of such privilege prevents the employee or former employee from establishing an element in support of the employee's or former employee's claim, the court shall resolve the disputed issue of fact or law in favor of the employee or former employee, provided that an Inspector General investigation under subsection (b) has resulted in substantial confirmation of that element, or those elements, of the employee's or former employee's claim.

''(B) In any case in which an Executive agency asserts the privilege commonly referred to as the 'state secrets privilege', whether or not an Inspector General has conducted an investigation under subsection (b), the head of that agency shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the employee or former employee, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

''(d) APPLICABILITY TO NON-COVERED AGENCIES.—An employee or former employee in an Executive agency (or element or unit thereof) that is not a covered agency shall, for purposes of any disclosure of covered information (as described in subsection (a)(2)) which consists in whole or in part of classified or sensitive information, be entitled to the same protections, rights, and remedies under this section as if that Executive agency (or element or unit thereof) were a covered agency.

''(e) CONSTRUCTION.—Nothing in this section may be construed—

''(1) to authorize the discharge of, demotion of, or discrimination against an employee or former employee for a disclosure other than a disclosure protected by subsection (a) or (d) of this section or to modify or derogate from a right or remedy otherwise available to an employee or former employee; or

''(2) to preempt, modify, limit, or derogate any rights or remedies available to an employee or former employee under any other provision of law, rule, or regulation (including the Lloyd-La Follette Act).

No court or administrative agency may require the exhaustion of any right or remedy under this section as a condition for pursuing any other right or remedy otherwise available to an employee or former employee under any other provision of law, rule, or regulation (as referred to in paragraph (2)).

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered information', as used with respect to an employee or former employee, means any information (including classified or sensitive information) which the employee or former employee reasonably believes evidences—

''(A) any violation of any law, rule, or regulation; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(2) the term 'covered agency' means—

''(A) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office; and

''(B) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii)(II) to have as its principal function the conduct of foreign intelligence or counterintelligence activities;

''(3) the term 'authorized Member of Congress' means—

''(A) with respect to covered information about sources and methods of the Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947), a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, or any other committees of the House of Representatives or Senate to which this type of information is customarily provided;

''(B) with respect to special access programs specified in section 119 of title 10, an appropriate member of the Congressional defense committees (as defined in such section); and

''(C) with respect to other covered information, a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, or any other committees of the House of Representatives or the Senate that have oversight over the program which the covered information concerns; and

''(4) the term 'authorized official of an Executive agency' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall, with respect to any employee or former employee in an agency, include the head, the general counsel, and the ombudsman of such agency.''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, as we discussed already here, whistleblowers play a key role in holding government accountable, and this legislation takes the important and long-overdue step of providing whistleblower protections for Federal workers who specialize in national security issues.

This amendment was carefully crafted to clarify the process by which national security whistleblower information, that is, information which may evidence a violation of law, rule or regulation of gross mismanagement, fraud, waste, or abuse is shared with executive branch officials and Members of Congress. It specifically addresses information possessed by whistleblowers involving intelligence sources and methods. And in those instances that is information that is customarily provided to the House and Senate Intelligence Committees. It also makes clear that information of concern relating to the Department of Defense Special Access Programs, or SAPS as they are currently called, should be reported to the Armed Services Committee and the Defense Appropriations Subcommittee.

Overall, this clarifying amendment strengthens the bill by ensuring that current and former employees of the intelligence community, the FBI, the military and other national security elements that possess sensitive classified national security information receive adequate protections against reprisals under the law. Further, it will better ensure the protection of classified sensitive information at issue in many of these cases. So I urge my colleagues to support what I believe is a sensible amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I am not opposed, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

I commend Mr. TIERNEY for his work on this compromise. As a member of both the Permanent Select Committee on Intelligence and the Committee on Oversight and Government Reform, he has done a great job on expressing the concerns of both committees in a way that will allow us to move forward with this important legislation.

One particular change made by this amendment is the removal of language in the underlying bill that allows a national security whistleblower to always disclose information to a supervisor. This amendment acknowledges that there are certain circumstances where it may not be appropriate for a supervisor to receive a disclosure, such as when an employee is disclosing classified information to which the supervisor does not have access. This amendment also changes a provision in H.R. 985 regarding national security whistleblowers, to limit which Members of Congress can receive information from a national security whistleblower about an especially sensitive subject.

It is important that Federal workers who specialize in national security issues have the ability to disclose the information about government wrongdoing to Congress. These workers need to know that they have access to a safe harbor where information will be fully investigated and appropriately safeguarded. However, because of the sensitive nature of the information these whistleblowers may disclose, it is also important to ensure that appropriate Members of Congress receive these communications.

□ 1630

This amendment addresses concerns that have been raised about allowing national security whistleblowers to disclose sensitive classified information to Congress by ensuring that information will go to members of committees with expertise and procedures for handling such information.

I support this compromise amendment, and I urge all Members to vote ''yes.''

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PLATTS

Mr. PLATTS. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on amendment No. 2 and the previous vote by voice on that amendment be vacated, to the end that the Chair put the question on adopting the amendment de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. STUPAK of Michigan.

Amendment No. 4 by Mr. SALI of Idaho.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 178, not voting 10, as follows:

[Roll No. 149]

AYES—250

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brown (SC)
Costa
Costello
Davis, Jo Ann
Granger
Jones (OH)
Meehan
Miller, George
Saxton
Tanner

□ 1658

Messrs. PEARCE, CAMPBELL of California and DEAL of Georgia changed their vote from ''aye'' to ''no.''

Mrs. LOWEY and Messrs. BARTLETT of Maryland, WALDEN of Oregon and ISRAEL changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. SALI

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. SALI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 271, not voting 8, as follows:

[Roll No. 150]

AYES—159

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
Gutierrez
Meehan
Miller, George
Saxton
Tanner

□ 1708

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCOTT of Georgia) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, pursuant to House Resolution 239, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Stupak amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUPAK:

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''technical.'.'' and insert ''technical; and''.

Page 28, after line 21, add the following:

''(3) any action that restricts or prevents an employee or any person performing federally funded research or analysis from publishing in peer-reviewed journals or other scientific publications or making oral presentations at professional society meetings or other meetings of their peers.''.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 173, not voting 8, as follows:

[Roll No. 151]

YEAS—252

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland

Whitfield	Wilson (NM)	Wolf
Wicker	Wilson (SC)	Young (FL)

NOT VOTING—8

Brown (SC)	Meehan	Saxton
Davis, Jo Ann	Miller (FL)	Tanner
Granger	Miller, George	

□ 1727

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1730

MOTION TO RECOMMIT OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WESTMORELAND. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Westmoreland moves to recommit the bill H.R. 985 to the Committee on Oversight and Government Reform with instructions that the Committee report the same back to the House forthwith with the following amendments:

Page 28, line 13, before ''Section'' insert ''(a) IN GENERAL.—____''.

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''.'' and insert ''; and''.

Page 28, after line 21, insert the following:

''(4) any action that discriminates for or against any employee or applicant for employment on the basis of religion, as defined by section 13(b) of the Whistleblower Protection Enhancement Act of 2007.''.

Page 28, after line 21 (following the matter inserted by the previous amendment), add the following:

(b) DEFINITION.—As used in section 2302(f)(3) of title 5, United States Code (as amended by subsection (a)), the term ''on the basis of religion'' means—

(1) prohibiting personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency;

(2) requiring religious participation or nonparticipation as a condition of employment, or permitting religious harassment;

(3) failing to accommodate employees' exercise of their religion;

(4) failing to treat all employees with the same respect and consideration, regardless of their religion (or lack thereof);

(5) restricting personal religious expression by employees in the Federal workplace except where the employee's interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion;

(6) regulating employees' personal religious expression on the basis of its content or viewpoint, or suppressing employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics;

(7) failing to exercise their authority in an evenhanded and restrained manner, and with regard for the fact that Americans are used to expressions of disagreement on controversial subjects, including religious ones;

(8) failing to permit an employee to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint-neutral standards and restrictions;

(9) failing to permit an employee to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content-neutral standards and restrictions;

(10) failing to permit an employee to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion;

(11) inhibiting an employee from urging a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors, except that the employee must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome;

(12) failing to prohibit expression that is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker;

(13) preventing an employee from—

(A) wearing personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry; or

(B) displaying religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in her personal capacity, and not that of the government itself;

(14) prohibiting an employee from using their private time to discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities;

(15) discriminating against an employee on the basis of their religion, religious beliefs, or views concerning their religion by promoting, refusing to promote, hiring, refusing to hire, or otherwise favoring or disfavoring, an employee or potential employee because of his or her religion, religious beliefs, or views concerning religion, or by explicitly or implicitly, insisting that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment or insisting that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (such as restrictions on political activities prohibited by the Hatch Act);

(16) prohibiting a supervisor's religious expression where it is not coercive and is understood to be his or her personal view, in the same way and to the same extent as other constitutionally valued speech;

(17) permitting a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers, as determined by its frequency or repetitiveness, and severity;

(18) failing to accommodate an employee's exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations, based on real rather than speculative or hypothetical cost and without disfavoring other, nonreligious accommodations; and

(19) in those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, failing to grant the employee an exemption from that rule, absent a compelling interest in denying the exemption and where there is no less restrictive means of furthering that interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

Mr. WESTMORELAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. WESTMORELAND. Mr. Speaker, I offer this motion to recommit with instructions.

One of the most confusing areas of public life for most Americans involves to what extent a person may express their personal religious views. Everyone believes they have complete religious freedom and yet the media often reports instances where courts or administrators say people may not express their religious faith. The unfortunate result of this confusion is that people tend to self-censor their behavior.

In 1997, the Clinton administration sent out guidelines to all Federal agencies that specifically detailed an employee's right to religious expression in the workplace. As then-President Clinton said in his remarks on the executive memorandum, ''Religious freedom is at the heart of what it means to be an American and at the heart of our journey to become truly one America.''

America continues to see ever-growing and diverse forms of religious expression, and unfortunately we have also seen an increase in the attempts to undermine religious freedom and expression.

So, as we consider this bill, we should be clear that the Federal employees do not have to check their faith at the door of their workplace and are protected under this bill if they do report violations of the current Clinton-era guidelines. In fact, it is often their faith that makes them the compassionate social worker in the employment office, the loving teacher in the Head Start program and the caring medical professionals treating our wounded soldiers.

There is nothing more personal than a person's faith, and our Federal employees deserve to know that they cannot be forced to check their quality of life at the door. As such, this motion provides that it is an abuse of authority for Federal agencies to prevent a Federal employee from blowing the whistle on instances of retaliation against permissible religious exercise and expression in the workplace.

The definition of permissible religious exercise and expression is drawn from President Clinton's 1997 memorandum to Federal agencies regarding religious expression in the Federal workplace. It includes, for example, the ability of Federal employees to have a Bible on their desk, wear a religious emblem on their clothing, or to express their views to other employees. It also includes provisions protecting against discrimination, harassment and coercion.

I believe this is an important addition to this bill, Mr. Speaker, and I urge my colleagues to support the addition of this language.

Mr. Speaker, I yield back the balance of my time.

Mr. TIERNEY. Mr. Speaker, I am not opposing the motion, but I ask unanimous consent to claim the time in opposition.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Speaker, we are prepared to accept this motion, and assume that means we will have unanimity on final passage.

This appears to track President Clinton's executive order, and it is, in fact, current law. To that extent, we have no difficulty in accepting it.

The motion to recommit seems to extend the coverage of the Whistleblower Protection Act to whistleblowers who report violations of President Clinton's guidelines of religious exercise and religious expression in the Federal workplace.

The guidelines apply to all civilian executive branch agencies, officials, and employees of the Federal workforce, they specify which religious expressions by covered employees, and under what circumstances, are permitted or may be regulated or prohibited.

The guidelines were issued by President Clinton to clarify how to address the sometimes difficult situations in the workplace where an agency must balance the free expression rights of Federal workers with the rights of other workers and the obligation of Federal authorities not to engage in the official promotion of religion.

By providing greater clarity, the guidelines have helped to avoid conflicts in the Federal workplace over the balance between religious expression and the obligations of the Federal Government to the Constitution, other employees and the general public.

With that, as I said, it seems to track that executive order; and if it does, we are happy to accept it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 7, as follows:

[Roll No. 152]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Brown (SC)
Davis, Jo Ann
Granger
Meehan
Miller, George
Saxton
Tanner

□ 1758

Mr. SHERMAN changed his vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. BRALEY of Iowa. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 985, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 28, line 13, before ''Section'' insert ''(a) IN GENERAL.—____''.

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''.'' and insert ''; and''.

Page 28, after line 21, insert the following:

''(4) any action that discriminates for or against any employee or applicant for employment on the basis of religion, as defined by section 13(b) of the Whistleblower Protection Enhancement Act of 2007.''.

Page 28, after line 21 (following the matter inserted by the previous amendment), add the following:

(b) DEFINITION.—As used in section 2302(f)(3) of title 5, United States Code (as amended by subsection (a)), the term ''on the basis of religion'' means—

(1) prohibiting personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency;

(2) requiring religious participation or nonparticipation as a condition of employment, or permitting religious harassment;

(3) failing to accommodate employees' exercise of their religion;

(4) failing to treat all employees with the same respect and consideration, regardless of their religion (or lack thereof);

(5) restricting personal religious expression by employees in the Federal workplace except where the employee's interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion;

(6) regulating employees' personal religious expression on the basis of its content or viewpoint, or suppressing employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics;

(7) failing to exercise their authority in an evenhanded and restrained manner, and with regard for the fact that Americans are used to expressions of disagreement on controversial subjects, including religious ones;

(8) failing to permit an employee to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint-neutral standards and restrictions;

(9) failing to permit an employee to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content-neutral standards and restrictions;

(10) failing to permit an employee to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion;

(11) inhibiting an employee from urging a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors, except that the employee must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome;

(12) failing to prohibit expression that is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker;

(13) preventing an employee from—

(A) wearing personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry; or

(B) displaying religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in her personal capacity, and not that of the government itself;

(14) prohibiting an employee from using their private time to discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities;

(15) discriminating against an employee on the basis of their religion, religious beliefs, or views concerning their religion by promoting, refusing to promote, hiring, refusing to hire, or otherwise favoring or disfavoring, an employee or potential employee because of his or her religion, religious beliefs, or views concerning religion, or by explicitly or implicitly, insisting that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment or insisting that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (such as restrictions on political activities prohibited by the Hatch Act);

(16) prohibiting a supervisor's religious expression where it is not coercive and is understood to be his or her personal view, in the same way and to the same extent as other constitutionally valued speech;

(17) permitting a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers, as determined by its frequency or repetitiveness, and severity;

(18) failing to accommodate an employee's exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations, based on real rather than speculative or hypothetical cost and without disfavoring other, nonreligious accommodations; and

(19) in those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, failing to grant the employee an exemption from that rule, absent a compelling interest in denying the exemption and where there is no less restrictive means of furthering that interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

Mr. BRALEY of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BRALEY of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 331, nays 94, not voting 8, as follows:

[Roll No. 153]

YEAS—331

Abercrombie	Davis (AL)	Honda
Ackerman	Davis (CA)	Hooley
Alexander	Davis (IL)	Hoyer
Allen	Davis, Lincoln	Hulshof
Altmire	Davis, Tom	Inslee
Andrews	DeFazio	Israel
Arcuri	DeGette	Issa
Baca	Delahunt	Jackson (IL)
Bachus	DeLauro	Jackson-Lee (TX)
Baird	Dent	Jefferson
Baldwin	Diaz-Balart, L.	Jindal
Barrow	Diaz-Balart, M.	Johnson (GA)
Bartlett (MD)	Dicks	Johnson (IL)
Barton (TX)	Dingell	Johnson, E. B.
Bean	Doggett	Jones (NC)
Becerra	Donnelly	Jones (OH)
Berkley	Doolittle	Kagen
Berman	Doyle	Kanjorski
Berry	Drake	Kaptur
Bilbray	Edwards	Keller
Bilirakis	Ehlers	Kennedy
Bishop (GA)	Ellison	Kildee
Bishop (NY)	Ellsworth	Kilpatrick
Blumenauer	Emanuel	Kind
Bono	Emerson	King (NY)
Boozman	Engel	Kirk
Boren	English (PA)	Klein (FL)
Boswell	Eshoo	Kucinich
Boucher	Etheridge	Kuhl (NY)
Boustany	Farr	LaHood
Boyd (FL)	Fattah	Lampson
Boyda (KS)	Ferguson	Langevin
Brady (PA)	Filner	Lantos
Braley (IA)	Fortenberry	Larsen (WA)
Brown, Corrine	Fossella	Larson (CT)
Brown-Waite, Ginny	Frank (MA)	LaTourette
Buchanan	Frelinghuysen	Lee
Burton (IN)	Gerlach	Levin
Butterfield	Giffords	Lewis (CA)
Calvert	Gilchrest	Lewis (GA)
Camp (MI)	Gillibrand	Lipinski
Capito	Gillmor	LoBiondo
Capps	Gohmert	Loebsack
Capuano	Gonzalez	Lofgren, Zoe
Cardoza	Goode	Lowey
Carnahan	Goodlatte	Lucas
Carney	Gordon	Lynch
Carson	Graves	Mahoney (FL)
Castle	Green, Al	Maloney (NY)
Castor	Green, Gene	Manzullo
Chabot	Grijalva	Markey
Chandler	Gutierrez	Marshall
Clarke	Hall (NY)	Matheson
Clay	Hall (TX)	Matsui
Cleaver	Hare	McCarthy (NY)
Clyburn	Harman	McCaul (TX)
Coble	Hastings (FL)	McCollum (MN)
Cohen	Hayes	McCrery
Cole (OK)	Heller	McDermott
Conyers	Herger	McGovern
Cooper	Herseth	McHugh
Costa	Higgins	McIntyre
Costello	Hill	McMorris Rodgers
Courtney	Hinchey	McNerney
Cramer	Hinojosa	McNulty
Crenshaw	Hirono	Meek (FL)
Crowley	Hobson	Meeks (NY)
Cuellar	Hodes	Melancon
Cummings	Holden	
	Holt	

Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—94

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Burgess
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Hastert
Hastings (WA)
Hensarling
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pence
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Young (FL)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
McCotter
Meehan
Miller, George
Saxton
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1808

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRALEY of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 985, the Whistleblower Protection Enhancement Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–49) on the resolution (H. Res. 242) providing for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Ms. MILLENDER-McDONALD. Mr. Speaker, I offer a resolution (H. Res. 244) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 244

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Brady of Pennsylvania.
(2) Mr. Capuano.
(3) Mr. Ehlers.
(4) Mr. McCarthy of California.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration:

(1) Ms. Zoe Lofgren of California.
(2) Mr. Ehlers.
(3) Mr. Daniel E. Lungren of California.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTOR MUELLER SHOULD STEP DOWN

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, regarding the recently revealed abuses of power and process by the FBI, Director Mueller has now indicated that he should have provided adequate training, experience and oversight. He is right.

But it also ignores what may have been one of the underlying contributors to the ultimate problem now revealed. Director Mueller has for some time now changed personnel policies at the FBI that he knew would drive out some of his best agents with the most and best experience to handle such very sensitive PATRIOT Act powers. When a director decides that his policies are far wiser than others, even as he sees that he is driving many of his best, most experienced agents and employees out of their supervisory roles, he has an even greater burden to see that his agents are trained.

Some tried to advise him of the damage to the ranks of experience that he was causing by what he thought to be innovative personnel management. He did not listen, and he did not ensure that the turnover he was creating left adequately trained personnel.

It is a wonderful thing when a leader goes against all the critics to do what he knows to be right, and he is, in fact, right. However, when a leader goes against critics who tried to tell him he was wrong, and he is later proved to be quite wrong, he should do the noble thing and step down without further ado.

Director Mueller has stated himself he must take the responsibility, and he is right. He must and he should. He should step down.

OUR NATION MUST SHOW RESOLVE AGAINST THE IRANIAN NUCLEAR THREAT

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, recently some Members of the House have proposed using the supplemental appropriations bill to restrict the President's ability to defend our country and its allies from a hostile Iran. Attempts to curtail the bargaining ability and leverage of the United States comes at the precise moment when our Nation must show strength.

However, attempts to dampen our resolve and security send the anti-U.S. forces in Tehran a signal that America is weak. If Iran continues to see that America stands determined to prevent it from going nuclear, it will be encouraged to become a responsible member of the international community.

If we falter, the Iranian nuclear threat may well become a reality. Mr. Speaker, we must not let that happen.

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House,

the following Members will be recognized for 5 minutes each.

SCOOTER LIBBY CONVICTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week brought news of the conviction on four counts of perjury, obstruction of justice and lying to Federal investigators of the Vice President's former Chief of Staff, Scooter Libby.

It is easy to forget exactly what this case was about and its precise bearing on the ongoing bloody chaos in Iraq, so I think it is important to refresh our memories.

What did Mr. Libby lie about? He lied about his alleged role in blowing the cover of a CIA agent named Valerie Plame Wilson. And why would Scooter Libby or anyone else in the White House even consider doing such a thing? Political retribution, of course. Valerie Wilson's husband, Ambassador Joseph Wilson, had been a public critic of the Bush administration's march to war. He had traveled to Africa at the behest of the CIA and concluded that there was nothing to the President's claim, made in the State of the Union no less, that uranium from Niger was helping Saddam Hussein build a nuclear weapon.

Ambassador Wilson dared to question the White House on a critical matter of policy, indeed a matter of war and peace. He dared to suggest that they had taken the Nation to war under false pretenses. So they destroyed his wife's career, and in so doing may have imperiled our national security.

Remember, this is the administration that guards information so closely that it considers its secrets sacrosanct, that has lectured others for leaking classified information, but they had no qualms about divulging sensitive information about someone else, someone who uses her undercover status to help protect the Nation. Why did they out her? Because she is married to someone who leveled a legitimate and accurate criticism at the White House.

It just goes to show, Mr. Speaker, they were willing to stop at absolutely nothing to discredit anyone who undermined their case for war, a case that was based on exaggeration at best, and outright lies at worst.

After the Libby verdict was rendered, a former national chairman of the Republican Party tried to pooh-pooh the matter by telling the USA Today, and I quote him, ''When you get down to it, it was one case involving one guy.''

Similarly, the Washington Post concluded its editorial by saying that the Wilson-Plame case and Mr. Libby's conviction tells us nothing about the war in Iraq. I couldn't possibly disagree more. Mr. Libby wasn't lying about whether he revealed Valerie Wilson's favorite color. Mr. Libby's conduct was part of a campaign of deceit intended to shut down any and all objections to the war. And why did they need a campaign of deceit? Because there was no legitimate reasonable cause for war without the specter of weapons of mass destruction, without the disgraceful scare tactic of warning that we don't want, and they said this, the smoking gun to be a mushroom cloud.

It is the responsibility of Congress now to delve even deeper into the manipulation of pre-war intelligence. I am eager to hear Mrs. WILSON's testimony before the House Committee on Oversight and Government Reform on Friday, and I hope this is just one of many such inquiries.

Even as we are currently immersed in a debate right here in the House about how to end our occupation of Iraq, it is critical that we hold people to account for the mistakes and the misdeeds that launched this disastrous war and cost 3,200 Americans their lives.

Justice was done in the case of Mr. Libby, but I hope when it comes to Iraq we can bring about justice in a broader sense, by restoring Iraq's sovereignty and letting its people determine their own future, by becoming a reconstruction partner and not a military occupier in Iraq, by promoting stability in the region instead of being a catalyst for violence, a catalyst for terror, by completing a fully funded withdrawal from Iraq and bringing our troops home at last.

RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, in 1947, when the National Security Act became law, Congress declared that the Department of Defense consists of four distinct military services, the Army, the Air Force, the Navy and the Marine Corps. But the act spells out the mission of today's Marine Corps and clearly indicates that the Corps is a legal distinct military service within the Department of Navy; that is, the Marine Corps and the Navy are coequal partners. The Marines do not serve beneath the Navy, they are a team. There is not a subordinate relationship between the Chief of Naval Operations and the Commandant of the Marine Corps. They are equal partners of the Joint Chiefs of Staff, and it is time the Department of Navy recognizes the equal status.

Mr. Speaker, that is why I have again introduced legislation, H.R. 346, to change the name of the Department of the Navy to the Department of Navy and Marine Corps. I am encouraged that this change has been included in the House defense authorization bill for the past several years, but it has not been accepted by the Senate.

I ask my colleagues to join me in supporting the passage of this legislation, and I hope this year the House position will prevail in the Senate. This legislation is not about changing the responsibilities of the Secretary or reallocating resources, there is no cost to this change. Instead, it is about showing the Nation the true meaning of the department and recognizing the Marine Corps' extreme importance to our national security.

When the President's top military adviser, General Peter Pace, is wearing the uniform of the Marine Corps, it is time to realize that change is long overdue. The Marines that are fighting today deserve this recognition. Sadly, in the past 4 years over 900 Marines have been killed while serving in Iraq and Afghanistan. When the Department of the Navy writes the families of Marines who have been killed, their families deserve to receive that letter from the Department of the Navy and the Marine Corps.

Mr. Speaker, I have on the floor this afternoon an enhancement of the orders for the Silver Star for Sergeant Michael Bitz of the United States Marine Corps who was killed in the Iraq war for freedom. He was cited with a Silver Star received by his family after his death. I brought this to the floor to emphatically show the difference of what it is today and what it should be tomorrow.

The first poster is an enlargement of the actual orders from the Secretary of Navy. And you can see the Secretary of the Navy, Washington, D.C., with the zip code and the Navy flag. Again, this was a Marine who died for this country.

If you look at the second poster that is beside me, you will see what it can be if this bill becomes law and is accepted by the Senate and sent to the President for signing. The order should be a flag, the Navy flag, the Secretary of the Navy and Marine Corps with the Marine flag.

Mr. Speaker, as I close, this is all about fairness and equality because there are four distinct services, the Army, the Navy, the Marine Corps and the Air Force. I think it is only right and befitting that two great services that have such a tradition and a heritage be treated as partners, and that is what this legislation does, the Department of Navy and Marine Corps.

I hope my colleagues on both sides of the aisle will join us in this effort, and let's recognize two great services, the Navy and the Marine Corps, as partners and a team.

With that, I ask God to please bless our men and women in uniform and their families. And I ask God to please hold in His loving arms the families who have lost a loved one dying for this country. And I ask God to continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, good evening.

Mr. Speaker, 2 weeks ago I had the privilege to visit our service men and women serving in Iraq, and I saw for myself what is really happening on the ground.

I met with several service men and women from cities that I represent, the city of Azusa, East Los Angeles and West Covina in California. I spoke with troop commanders, Iraqi women representing NGOs, and two parliamentarian women.

My trip to Iraq confirmed my belief that we must supply better support for our troops, including redeployment out of Iraq. But supporting our troops means securing our troops and making sure we minimize the risks they really face. Our troops, as you know, are overextended. The length of time they are spending in Iraq is not only demanding, but exhausting. For many of them, it is not their first tour either, this is their second, third and maybe even fourth.

While our troops remain committed to their work, they are concerned about the impact their duty is having on them and their families. The time they spend with their families is shorter with each tour of duty.

Our troops are concerned about the lack of adequate equipment. Some troops lack the basic equipment needed to do their job, like body armor. In fact, one soldier told me they don't have light bulbs. I said light bulbs for what? They said well, Congresswoman, for our vehicles. When we are asked to go into the communities, if we don't have light bulbs on our vehicles we can't see. Another one mentioned they didn't have scissors, and I said, Why do you need scissors? And he said because if one of my men gets hit, I need to have scissors to be able to bandage and provide whatever help that person needs.

In some cases they told me that the equipment they use is unreliable due to overexcessive use. And I was appalled to learn that some service members are forced to share their equipment with recent arrivals. The new members of the service that we are sending in in this surge or escalation are actually taking equipment away from those who are being currently deployed there. Without the proper equipment, our troops face significant and unnecessary risk to their lives.

Supporting our troops also means redeployment and an Iraqi nation that will govern itself and its people. Unfortunately, the best plan President Bush offers is another blank check request for his already failed policies.

In California, the 32nd Congressional District that I represent, as you can see, 13 of our sons have already given their lives, the ultimate sacrifice. U.S. casualties, as you know, are close to 3,200, and more than 24,000 service men and women have been injured or permanently disabled, and more than half of those will not be able to lead normal lives.

This blank check that President Bush provides must end. By deploying additional service men and women into combat, the President shows just how out of touch he is with the real needs of our troops and the reality of the situation. The increase of troops will do nothing to improve the long-term security situation.

The President's escalation plan ignores the very needs of these veterans. The crisis, as you know, at Walter Reed highlights the fact that this administration has not prioritized the health care needs of our returning veterans. And as Members of Congress, it is our responsibility to protect our troops and veterans when our Commander in Chief will not. We need a plan that will ensure that there will not be permanent bases in Iraq. And we need to ensure that all troops are provided with adequate equipment and training needed to do their job safely.

Our plan must require the Iraqis to take control of Iraq and bring other Arab states together to help solve this problem. Our plan must refocus also on Afghanistan. And our plan must ensure that our service men and women and veterans receive the best care available when they return home.

□ 1830

This includes traumatic brain injury, post-traumatic stress disorder, culturally competent health care, housing, and education.

The troops and their families have kept their promise to us. We must now keep our promise to them, and I am proud that we have made such a plan available. The U.S. Troop Readiness, Veterans' Health & Iraq Accountability Act, in my opinion, is key to this success. It supports our troops. It holds the administration accountable. It establishes a plan for redeployment, and provides for our veterans.

My trip to Iraq strengthened my belief that the right course of action is to redeploy our troops out of Iraq. Our men and women in uniform are doing their job, and we in Congress must do ours so that our troops will come home and receive the care that they deserve. We must not continue to turn our backs on those who proudly have served our Nation, and I will continue to fight and support our troops.

I look forward to their redeployment and their safe return to their families, to their friends, and to their loved ones, and I look forward to a resolution, and an Iraq governed by Iraqis, and a world safer and more secure for all of us. And I know our leadership will help to take us there.

PRISON INMATES HELP IN WAR EFFORT

The SPEAKER pro tempore (Mr. PERLMUTTER). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, behind the thick walls of some Federal prisons, inmates are being put to work. Not on chain gangs tarring roads and hacking rocks, but in prison factories.

Private industries are bringing their businesses behind the barbed wire fortresses, realizing the benefits of incarcerated inmates going to work. Prison industries are operated to achieve two goals: First, they occupy the prisoners' time to keep them busy and out of trouble. The second goal is to provide those incarcerated inmates a trade and valuable work experience, a trade and experience that can be applied to the American workforce once they leave the penitentiary. Prison industries give an inmate a sense of accomplishment and achievement, and the ability to have a chance to work and live as a law-abiding citizen beyond the prison walls.

In the Federal prison system, UNICOR, the Federal Prison Industries, Incorporated, contracts out to the Federal Bureau of Prisons and hires inmates to work behind those tall prison walls. The inmates earn 35 cents to $1.15 an hour. Now, Mr. Speaker, this money is paid by private industries, not taxpayers.

And, here is the best part: The money that the inmates earn goes to, first, pay their fine; second, partial restitution to the victim through the Victims of Crime Act; and, third, the rest goes into a savings account that the inmate will get once they leave the penitentiary. This way, the prisoner literally earns his keep in the big house. He helps pay for the system he has created, relieving the taxpayers of this burden.

I have had the opportunity to tour one of these prison units in Beaumont, Texas, at the Beaumont Federal Correctional Complex in my congressional district. In the Beaumont Federal prison system, prison inmates craft state-of-the-art military helmets for our troops fighting in Iraq. I have one of those helmets right here with me, Mr. Speaker.

This is officially called by the Federal Government the ''personal armor for ground troops helmet.'' I just call it a helmet. It is used by our troops in Iraq and Afghanistan. It is made of Kevlar, and it provides our warriors protection from shrapnel and bullets. These helmets have been credited with saving several of our troops' lives in Afghanistan and Iraq.

Mr. Speaker, each month the inmates at the Beaumont Prison produce 30,000 of these helmets; 360,000 of them a year are being provided for our military. The Beaumont Prison factory also has the distinction of being the only UNICOR factory that produces these

helmets. Currently, the prison is designing a more protective helmet that will soon be used in Afghanistan and Iraq.

The 320 inmates in the Beaumont factory making these helmets are patriots, and they think they are because they are patriots; they are doing their part in the war efforts. This is a medium security facility, and it is not the only war contributor in the Beaumont prison system.

The minimum security system in Beaumont repairs damaged tanks. They receive a facelift from the inmates and their engines are overhauled. The mechanics that work in these prisons are experts in diesel mechanics, and they take a once unusable piece of machinery that has been damaged and they turn it into a war-worthy military tank once more.

Mr. Speaker, as a former judge, I believe in using inmate labor; make them help pay for the system they have created. The taxpayer has paid for the system long enough. Some of these inmates in the Beaumont prison I met earlier on a professional basis at the courthouse, and now I am glad to see that they are turning their lives around. For behind the steel doors and tall walls of the prison, these men go to work each day producing helmets that safeguard American troops from enemy fire. They are not forced to work in the factories, but they choose to. They choose to volunteer.

The inmates I talked to are proud of our troops overseas and feel a sense of connection to them by making these helmets. Prison labor programs are a good idea for inmates and for America, and certainly for the American taxpayer. Some inmates are locked up behind bars because they harmed another person's life. Now they have the chance to redeem their past deeds; they now work to save the lives of our American soldiers. After all, Mr. Speaker, we are all in this together.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

COMMENDING THE LILLY ENDOWMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise to commend the Lilly Endowment for its exceptional commitment to Indianapolis and to the State of Indiana.

Recently, the Lilly Endowment announced the winners of its 2007 Teacher Creativity Fellowships. The result of this endowment's effort is a program that will enable 129 teachers, principals, guidance counselors, and school librarians from all over Indiana to take the time to gain insight into new cultures, to explore subjects that intrigue them, and to just get away and bring back refreshed perspectives to share with their students.

The endowment has been successfully funding such programs for 20 years now. The class of 2007 includes nine recipients from public and private schools across the State who were selected as ''distinguished fellows'' of the program and received up to $25,000. The remaining 120 recipients each received an $8,000 grant for their activities.

The distinguished fellows feature of the program was introduced last year by the Lilly Endowment. A limited number of grants were available for creative renewal projects that would provide additional financial support and the possibility of time away from the classroom. As a result of this innovative feature, each selected teacher received up to $25,000. A separate grant of up to $25,000 was available to the teacher's school district to cover the costs of a replacement teacher, if necessary.

The winning creative renewal projects will send Indiana educators to study Indian culture by visiting Punjab, India; practice service learning by volunteering in Calcutta, Belfast, reservations in South Dakota, Haiti, and Mississippi; and interviewing street children in Latin America. But whether they travel to the Arctic or Mongolia, they will return to their Indiana schools carrying new cultural insights, full of new adventures and wisdom to share with their students.

Sara B. Cobb, the Lilly Endowment Vice President for Education, summarized the effort when she said, ''Once again, we are thrilled at the response to this popular program. Good teaching requires a high degree of energy and motivation. We regularly hear that these renewal experiences have helped hard-working Indiana educators regain their enthusiasm for their profession.''

So, Mr. Speaker and Members of the House, I want to commend the Lilly Endowment for doing such a great thing for Indiana and the education system. Good teaching does require a high degree of energy, motivation, and inspiration. I would add, ''Good corporate neighboring requires a commitment to a corporate vision for a better community and the will to invest its resources to achieve that vision.''

I want to extend my heartfelt thanks to the Lilly Endowment and its CEO, and indeed a good neighbor to Indiana. Thank you very much.

TEACHER CREATIVITY FELLOWSHIP PROGRAM
2007—$25,000 FELLOWSHIP RECIPIENTS

INDIANAPOLIS PUBLIC SCHOOLS

Arsenal Technical High School, Karen Beck, ''Service Learning: The Example of Mother Teresa''—travel to Calcutta, Belfast, the Rosebud and Pine Ridge reservations (South Dakota), Haiti and Mississippi to do volunteer service; conduct interviews in Maryland and Washington in preparation for creating service learning program at Tech; volunteer with local agencies.

Juvenile Learning Center School No. 459, Robert Masbaum, ''Street Children of Latin America and Human Rights''—visit Mexico, Colombia, Nicaragua, Honduras and Panama to study and interview street children; prepare a documentary, curriculum guide and exhibit about children's rights.

TEACHER CREATIVITY FELLOWSHIP PROGRAM
2007—$8,000 FELLOWSHIP RECIPIENTS

Archdiocese of Indianapolis (private), St. Joan of Arc School, Susanna L. Abell, ''Mentoring Abroad in Central America''—work with promising young artist in Honduras; offer an art camp for children in Honduras; create paintings.

St. Therese Little Flower School, Lori Grant Feliciano, ''Defining a Hoosier''—study the unique history and culture of Indiana.

Heritage Christian School (private), Sherryn L. Miley ''Never Forget: The Holocaust''—study the Holocaust at the U.S. Holocaust Museum, European concentration camps and the Yad Vashem Holocaust Memorial in Israel.

International School of Indianapolis, Bernadette C. Allamel, ''Ceramic Storytelling from Mali''—learn to make pottery in Mali, from collecting the clay through firing finished pieces; study cultural stories of Mali.

Arlington High School, Kerry J. Brown (see also MSD Lawrence Township) ''East Meets West''—four generations return to Vietnam to gain closure from secret boat escape in 1977.

Charity Dye No. 27, Sidney Allen, ''Pilgrimage to Monet's Garden''—study art and horticulture in Giverny, France; create a garden at school.

Howe Middle/High School, Mary F. Nolan, ''A Linguistic Immersion Amidst the French Culture''—spend time in rural France completing a book; experience the culture of France.

Jonathan Jennings No. 109, Patricia Reeves, ''Tolerance and Diversity as Seen Through the Irish Eyes''—research Ireland's ''Great Famine;'' introduce classroom activities about immigration, racism and cultural tolerance.

New Horizons Alternative School, Christopher L. Howey, ''A Journey on the Path of the Martial Way''—study aikido and jodo in Japan and Canada.

MSD Lawrence Township, Bernard K. McKenzie Career Center, Jane Davis Miller, ''The Ups and Downs in Life: Unmasking the Search for Ourselves''—study history of mask-making; create and use masks in therapeutic theater programs.

Lawrence Central High School, Lan Bui-Brown (see also Indianapolis Public Schools), ''East Meets West''—four generations return to Vietnam to gain closure from secret boat escape in 1977.

Mary Castle Elementary School, Jan Good, ''The Joy of Painting''—attend watercolor workshops; develop painting skills.

MSD Warren Township, Raymond Park Middle School, Rae Bosio, ''Flamenco in Spain''—travel to Spain to study culture and dance.

MSD Washington Township, Eastwood Middle School, Douglas O. Vinton, ''History Alive''—tour Germany, Italy, Greece, France and Austria to explore history and culture.

J. Everett Light Career Center, Robert Hendrix, ''Voices Amidst the Mountains: A Journey into the Folklore of Storytelling''—create a radio documentary on the art of storytelling in the Smoky, Blue Ridge and Appalachian mountain chains.

North Central High School, Stephen J. Quigley, ''The Emerald Ash Borer and the Art of Carving Ash Sticks for the Sport of

Gaelic Hurling''—study history and cultural significance of the Gaelic sport of hurling; learn to cut and carve hurley sticks using ash wood salvaged from central Indiana forests decimated by the emerald ash borer.

Martha Sando, ''2007: To Russia with Love, From Moscow to St. Petersburg''—view art collections in St. Petersburg and Moscow; hone plein air landscape painting technique; create classroom lessons on painting techniques, history and culture of Russia.

MSD Wayne Township, McClelland Elementary School, Eric Webb (principal), ''Bringing My Ancestors to Dinner''—investigate Clan McLeod, capture images, poetry, songs and stories of Scotland.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK. Mr. Speaker, it is an honor to come before the House here, the 30-Something Working Group. I am glad that we are here tonight to have an opportunity to really talk about the accomplishments under the 110th Congress, and also issues that we are going to be working on in the very near future.

But as you know, Mr. Speaker, day after day I have been coming to the floor sharing with the Members and the American people on the fact that we have really worked hard to make sure that we run a house in a way that all the Members can feel comfortable about voting on the public policy that comes to this floor, especially major public policy.

The Whistleblower Protection Enhancement Act that passed this floor today is a piece of legislation that is going to assist not only the public knowing more about what happens here, but to make sure that we protect those that are trying to protect us.

As we start to head down the road of fiscal responsibility, as we start to have oversight hearings and Federal employees and others that are involved in Federal action, and just average Americans will be able to come forward and to share with this Congress and other agencies of accountability and oversight about waste, they will be able to come and share concerns or speculation of corruption, they will be able to come forth with recommendations without receiving the repercussions that they would have received prior to the passing of this legislation today.

One other thing that I think is important when we start looking at this legislation, the fact that there were 102 Members on the other side of the aisle that voted in the affirmative. The vote on this floor just moments ago was 331–94. And I think that will go right in line with other pieces of legislation that have passed this House floor in a bipartisan way on a major bill. I think we have a chart here that I think will be helpful for the Members to take a look at.

Implementing the 9/11 Commission recommendations, H.R. 1, passed 299–128, with 68 Republicans voting with the Democrats.

Raising the minimum wage passed 315–116, with 82 Republicans voting along with Democrats.

The funding for enhanced stem cell research, H.R. 3, 253 Members of the House voted in the affirmative, only 147 voted against. But as you know, Republican votes, 37 joined Democrats on that vote.

Making prescription drugs more affordable for seniors, H.R. 4, passed 255–170, with 24 Republicans voting with Democrats.

Cutting student loan interest rates in half, H.R. 5, 356–71, with 124 Republicans voting for it with all Democrats.

Creating long-term energy initiatives, I think it is an important initiative, H.R. 6, 264–163, with 36 Republicans voting with Democrats.

□ 1845

Now, Mr. Speaker, why is this important? Why are we talking about bipartisanship so much when we come to the floor in the 30-Something Working Group? We are talking about it because this has not been the culture here in the House. Major pieces of legislation, from H.R. 1 to H.R. 6, and even today when we passed off of this floor the Whistleblower Act, H.R. 985, to see bipartisan votes on these major pieces of legislation goes to show you that we have been waiting; and when I say ''we,'' Members of the House have been waiting for a very long time to have the opportunity to vote on commonsense legislation that is going to assist the American people in their everyday lives, will assist this Congress in bringing about the kind of accountability that the American people voted for and hoped that we would, hopefully, enact one day.

I think it is also important to look at three House bills to shed light on public records. I think it is very important that the American people understand that we are going to open the Federal Government up to allow them to be able to receive public records in a timely manner. Of course, we are going to protect national security issues. Of course, documents that are not ready for public consumption will not be given to the public or anyone that may endanger Americans abroad or here in the United States. But there are so many documents by the White House that have been deemed secret when it wasn't necessary for them to be deemed secret. This piece of legislation and the three bills would deal with that issue, to be able to have a little more openness to the process so that we can do our jobs here on Capitol Hill.

I think it is important to continue to stick with the watchwords that we have been talking about here, the 30–Something Working Group, on accountability, oversight, new direction, and fiscal responsibility. I think it is important that we pay attention to what is happening right now, Mr. Speaker, when it comes down to Hurricane Katrina, Abu Ghraib, 9/11 Commission recommendations, which I must add that 10 Republicans and the Senate joined Democrats in passing the 9/11 Commission recommendations. All of these reports, as we look at good government, are taken from bipartisan commissions.

We are talking about governance here. We are talking about accountability here. Some may say, well, 9/11 Commission recommendations, that is a Democratic work product. No. That is just a Democratic leadership bill, that we said that we would fully implement the 9/11 recommendations even though the President has threatened to veto them. Even though it was a bipartisan commission, Mr. Speaker, chaired by a Republican Governor, former Governor, still the President and Republicans are saying that there is not a need to implement those recommendations.

I think, as we start to reflect, before I start talking about the supplemental appropriations bill that is being marked up in the Appropriations Committee this week, since Democrats have taken the majority, Mr. Speaker, Walter Reed, the misconduct was exposed by a newspaper here in the Washington area, The Washington Post. Democrats took action, making sure that we had hearings going immediately, not after, not 2 or 3 weeks later, saying we are waiting on the administration to see what they are going to do.

In kind, the administration started working very vigorously to take some action, and I commend the President on appointing two very outstanding Americans, Ms. Shalala and also Mr. Dole, to lead a commission to look at that.

The firing of U.S. District Attorneys became exposed recently, within the last 48 hours. Information that we received here in Congress was inaccurate.

And now Democrats, in control of the House and Senate, are immediately going into hearings dealing with the Justice Department, asking the tough questions because no longer are we going to allow politics to run public policy in this country.

And I think it is important for the Members to understand that we are here as board members of the largest corporation on the face of the Earth, if one wants to call it that. I am just using that as an example. We are the board of directors here in the U.S. House of Representatives. One of the Members of our caucus during a caucus meeting made this analogy, with the President's being the chairman of the board or President/CEO.

When you start looking at the President/CEO of any corporation and you start looking at the mismanagement and you start looking at the political overtones, it is important that the board respond to whom? The stockholders, in this case, the American people, because it is their tax dollar that we are appropriating. It is their tax dollar that we have oversight on. And they have sent us, made us members of the board of directors to watch out for their interests. And that is using, once again, the word of accountability, the oversight.

We talk about a new direction. We also talk about fiscal responsibility. But those are not just catchwords. They mean something, and I think it is important that we pay very close attention to that.

I pointed out in this whole issue at Walter Reed last week, Mr. Speaker, and I felt very proud as a Member of Congress and someone that voted for the continuing resolution because the Republicans did not do their work in passing all of the appropriations bills. We had to clean it up when we came into the 110th Congress by passing a continuing resolution.

All district projects that Members fought for in the appropriations bill were taken out, and we had to then take those dollars and we put $3.6 billion into the veterans' health care system. And I am so glad we did that because when the Walter Reed story came out and the media started to focus on the lack of resources to take care of our veterans and take care of those that are still enlisted on the health care side, and this was actually the front cover here with the specialists of Newsweek, it gave the American people an opportunity to see leadership in action and also see a policy response to what has been unearthed by the media. And I think that is important because there has been a lot of foot-dragging around here and there has been a lack of the majority in the past of having the will and desire to do the right thing. And I am glad we did it in that case.

I am so glad to be joined by my very good friend, Mr. RYAN, from Niles, Ohio. They have a saying in Niles, Ohio, Mr. RYAN—well, in Ohio; I don't if it is necessarily in Niles. But it goes something like this: Remember that the field mouse is fast but the owl sees at night.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman's yielding and his comments about the field mouse and the owl. It is very important for us to remember that wisdom that he gives us.

And I appreciate your running over here, hustling over here. I actually wasn't going to come. I have got some meetings tonight that I have to get at, but I saw you over here out of breath, and I thought I would come over and sling-shot you in.

Mr. MEEK of Florida. Reclaiming my time, when I came over, it wasn't like can we pause for a minute and let me catch my breath. I mean, I was actually anchoring this special order and sharing with the Members the great work that has been done.

I talked about the bipartisan vote that we took today on the whistleblower legislation. And, Mr. RYAN, I did go to the gym today to make sure that I am in the right shape to be a Member of this House and serve as an example of making sure that you take care of yourself, that you do the right thing, and you live a long time.

So, Mr. RYAN, thank you for being concerned about my health care needs and making sure that you came down and allowed me to catch my breath. But I am so happy to see you, sir, because as a member of the Appropriations Committee, I am honored just to be in the same Chamber with you, sir.

Mr. RYAN of Ohio. I appreciate that. And it is an honor for me to be in the Appropriations Committee, and my friend on the Ways and Means Committee provides the ways and the means for us to get the job done.

One of the issues that we have talked about today a little bit is what the Democrats have been doing in Congress since we got here a couple of months ago. And I think it is very important, as we see all of the news stories about Walter Reed, as we see the news stories about the Attorneys General, we see the news stories about what is going on in Iraq, a year ago or 2 years ago, those stories wouldn't have even been possible because the threat of oversight hearings that Speaker PELOSI and the Chairs of our various committees have been executing is the exact balance of power that we were talking about prior to the elections last year. And the American people, very wisely, thought it was time for there to be some oversight.

But I must say, Mr. MEEK and Mr. Speaker, that all of the thoughts that we had about what was going on in a lot of these various agencies we thought were bad, but we didn't know they were this bad. And I don't think anybody would have said the level of pressure, for example, in the Attorneys General situation, the level of incompetence and neglect at Walter Reed is just absolutely shocking. And we knew about it with the war. We saw the lack of execution in the war. We saw it in Katrina. And now, because the Democrats are in power, we are now able to begin to fix these problems.

The whistleblower reform strengthens protections for Federal whistleblowers to prevent retaliation against those who report wrongdoing, waste, fraud, abuse. This is how we begin to reform government, by allowing those people who are in the institution of government to be able to speak freely and to be protected and not to be bullied or prevented from somehow improving the institution.

The Freedom of Information request, we had some provisions here. More timely disclosure of government documents, restoring the presumption of disclosure to FOIA, helping FOIA requesters obtain timely responses, improving transparency and agency compliance with FOIA, providing an alternative to litigation, and providing accountability for FOIA decisions, opening up government, transparency in the 21st century. It is an information-based society, an information-based economy; and the more we open it up and allow the information to flow, the more we are going to be able to improve things.

One of the great problems we had in China several years with the SARS issue is that nobody knew about it and you can't fix problems that you don't know about. And whether you are in a family or on a team or in a business or running a government, you need to make sure there is free and open access to information.

Now, granted, there are sensitive issues, national security issues that need to be protected and need to be kept in order to secure the long-term future of the country. No one debates that. But when we are talking about government documents and the execution of an administrative or executive branch department protecting whistleblowers who may have information in order to make the government improve, this isn't to punish anybody. This is to improve the government. And that means some difficult decisions need to be made.

And I think, under the leadership of this House, we are moving down that road, step by step, very methodically to improve the lives of people in this country and to reform the institution of government.

□ 1900

That is what we are all here to do. We have had several other things that we had.

But I want to talk for a minute, Mr. MEEK, if you don't mind, about oversight. I know you had mentioned oversight earlier in the evening, but what is going on and what has gone on already in this Chamber, as I mentioned, the Walter Reed thing came because of the threat of Democratic oversight and the committee oversight process that has already been going on.

For example, the war in Iraq, between the House and Senate, more than 97 oversight hearings have looked into the conduct of the Iraqi war. Ninety-seven. There is the big number hearings. And more are coming.

Tomorrow in the Appropriations Committee we are going to pass out the supplemental that is going to begin the exit of this war, begin the end of this war.

Mr. MEEK of Florida. Mr. RYAN, I am glad, because you are a member of the Appropriations Committee. Let me just say this, Mr. RYAN. Putting everything to the side here that we have been talking about, again, I am glad, because you are here as a member of the Appropriations Committee.

We actually have some Members, Mr. RYAN, that are concerned about the kind of leadership that this Congress is putting forth on behalf of the men and women in uniform and the men and women that wore the uniform and their families.

Mr. RYAN of Ohio. These are the same people, Mr. MEEK, these are the same people who were in charge several months ago, and for the previous 14 years, that led to the dismal display that we see at Walter Reed, the conduct of some of the people in the Veterans Administration. The same people that had oversight then are now upset and trying to point the finger.

Mr. MEEK of Florida. You know, Mr. RYAN, they say when you point your finger, you have like three or four fingers pointing back at you.

Mr. RYAN of Ohio. Shake and Bake. Right back at you.

Mr. MEEK of Florida. That is right. In full effect. You have here U.S. Troops Readiness, Veterans Healthcare, and Iraq Accountability Act. Expanding funding for veterans healthcare and hospitals. What is wrong with that? Nothing.

The Bush administration must meet military standards for troop readiness. Mr. RYAN, this is the DoD policy as it relates to troop readiness. The Congress had nothing to do with the policy. The Department of Defense came up with the policy.

So basically what we are saying, Mr. Speaker, through this act, follow your policy, because it is in the best interests of the American people and the troops that are in harm's way.

What is in that policy? Making sure troops have what they need when they are deployed. What else? Making sure we have a military that is ready to respond at a moment's notice when we need them. We will go deeper into that.

Mr. RYAN of Ohio. Armored Humvees. Up-armored Humvees. Kevlar vests. The proper amount of rest.

I want you, Mr. MEEK, to try to name me one person in this country that would dare send one of their own kids off to war without the proper equipment, that would not ride in a Humvee that was armored. And there are kids still getting killed in Iraq now because the Humvees are light armored and not heavy armored. They don't have the proper equipment and everything else. We are still losing kids because of that.

Mr. MEEK of Florida. Mr. RYAN, losing kids? We are losing 47-year-old Reservists. We are losing granddads in some instances that are still serving our country, Mr. Speaker, in the Guard, in the Reserve, active duty.

When you look at this, again, the Iraq government must meet the Bush benchmarks for reform.

Mr. Speaker, once again, this is not what the Democratic Congress put benchmarks on the Iraqi government for. The President of the United States of America, the Commander in Chief, marched down this aisle, walked that way and went up there to that rostrum right under where you are standing, Mr. Speaker, and said if they don't meet the standards and do X, Y and Z, then we are not going to be there forever. What is wrong with following the leadership, especially when you talk about accountability?

What is different this time, Mr. Speaker, is when the President has made those statements in the past, he had a rubber stamp Congress willing to do anything that he wanted them to do. But now you have a Congress that put forth legislation that will allow Members of the minority party, the Republican Party, Mr. RYAN, to vote with Democrats, for accountability, there is that word again; oversight, there is another word we use all the time; and to head in a new direction as it relates to Iraq. We have said that 100 times.

I think that is important, making sure that strategic redeployment of U.S. troops in combat by 2008, and reforming military efforts on Afghanistan and the fight on terrorism. What is wrong with all of that?

If I can, Mr. RYAN, I want to just talk about how the American people are way ahead of the Bush administration on this issue and the reason why we had this big transition in leadership here in the Congress back in September.

Nearly six out of 10 Americans want U.S. troops to withdraw from Iraq by 2008 or sooner. That is a CNN poll of 3–13–07.

Fifty-two percent think the United States should set a timetable for withdrawal of U.S. troops from Iraq. That is a CBS-New York Times poll on 3–12–07.

Sixty-seven percent of those polled by NBC-Wall Street Journal disapprove of the way the President is handling the situation in Iraq. That is an NBC-Wall Street Journal poll, 3–9–07.

I can go on and on and on, Mr. RYAN, of how the American people are with us as it relates to making sure that we do the right thing.

When we are in Congress and we are here, we are not generals, we are not in a forward area, Mr. Speaker. We have Members that have never worn a uniform, not even in school when they were coming up. We are not in the Armed Forces. Some of us are. Some of us are Reservists. Some of us are Guardsmen, Guardspeople, women, what have you.

But we have been elected to be Members of Congress to carry out the things that we talked about, oversight, accountability, being fiscally responsible, moving the country in a new direction, coming and voting on behalf of our constituents and the American people.

So, brave speeches on the floor about how Members support the troops. No, I support the troops more than you. No, I have a tattoo on my arm saying I support the troops. No, I have raised money back home.

That is fine. That is all good and dandy. Come to the floor and say what you want to say.

But when it comes down to it, where are the benchmarks as it relates to over $500 billion that has been spent on the war and $100 billion-plus that is going to be authorized sometime in the very near future? Where are the accountability measures? They are there to make sure you meet the benchmarks.

I know you can go further into that. But the 97 hearings to date, it is unprecedented in the past Congress and the Congress before that, Mr. RYAN. We have been here for the last two Congresses, and I can guarantee you that 97 hearings at this point in the Congress did not happen.

Mr. RYAN of Ohio. Not at all. We are starting to figure out what has been going on. Part of it, over the past few years, everyone kept saying 6 more months. Give them 6 more months. Six more months. Well, 6 more months, we are 4 years later 6 more months.

Mr. MEEK of Florida. Going on 5, Mr. RYAN.

Mr. RYAN of Ohio. Going on 5. Sixty to 65 percent of Iraqis believe it is okay to kill Americans, to shoot at Americans. We are in the middle of a civil war and we need to get ourselves out of it, not get ourselves further into it. So these hearings are an important component of that, to try to pull ourselves out of this situation that President Bush has gotten us into.

I say that because—for several reasons. One is, some people say well, if you have an end date, then they are just going to sit back and wait until we leave. The problem with that theory is if we say we are going to stay forever, then they are never going to do their share, and the problem has been the Iraqi soldiers won't get trained, the problem is we can't get a political solution because everyone thinks we are just going to stay there and keep the situation intact.

They need a goal, and the goal is, in our supplemental bill, if you do not have improvement in some of the benchmarks we have in there, political and military, if you don't have improvement by July, we are getting out. If you are showing some progress, we will give you until the end of the year, until the fall. And if you haven't met the goals by then, then we are out.

You have got to meet your obligations. Believe me, I didn't support this

war from the get-go, and it kills me, it kills me, that we have got to spend $100 billion to get us out of a situation. That kills me.

This last couple of weeks we have had hearings in the Labor, Health and Education Subcommittee on Appropriations, and you see the millions of dollars the Bush administration submitted that they cut from physical education programs, art programs. They flatlined TRIO, GEAR UP, Upward Bound. All flatlined, with thousands of more kids going into those. Head Start. Only 60 percent of the kids eligible for Head Start get covered. There is a $100 million cut in Head Start, and we are going to go spend $100 billion?

I am voting for the supplemental, because I will do anything to get us out of there, and I believe this supplemental is the best step for us to take to get us out of there.

But it is not only what is going on in Iraq, Mr. MEEK. I don't know if you had a chance to see this memo.

Mr. MEEK of Florida. Before the gentleman goes to the memo, you said this thing is not just about Iraq.

Let me just say very quickly, again, you know here in the 30-something Working Group, we love, we don't like, we love third party validators. We love it, Mr. Speaker. We can't get enough of it. It fires us up. We just love it.

Here is the deal. Requiring the President to honor the standards of the Department of Defense set for troop readiness, training, equipment before sending troops into battle, 70 percent favor requiring U.S. troops returning from Iraq to have at least 1 year in the U.S. before being redeployed to Iraq. That is a Gallup Poll, USA Today, 3–6-07. It is not a poll we did. This is just a poll that these news organizations have held.

Holding Iraqi government to the same standards for progress that the President outlined in announcing the escalation of troops. Seventy-seven percent favored requiring U.S. troops to come home from Iraq if Iraqi leaders failed to meet the promises to reduce the violence there. That is the Gallup Poll-USA Today.

This is very, very, very important. Providing urgency needed to support addressing the military medical care crisis at Walter Reed and other hospitals, 76 percent of Americans do not think the Bush administration has done enough to be responsible to take care of the needs of our men and women that are in uniform.

Mr. RYAN, the bottom line is that this is not a political speech that we are on the floor giving. This is reality. This is governance. This is oversight and this is accountability.

And for Members, Mr. Speaker, who feel that we shouldn't be venturing off into the area of leadership, maybe they didn't pay attention to what took place last November. I would say to some of my friends on the Republican side, because if this was political, I would keep it a secret. But you know, Mr. RYAN, we always talk about issues that may be detrimental to the Democratic forward progress of gaining more seats in the House.

If Republican Members want to vote on being with their, quote-unquote, leadership that has them in the minority right now, because they use catch words like well, you know, we don't need to make decisions because the President is making decisions and it is not our place to do it. Oh, we don't have to have accountability measures within the appropriations bill, within the emergency supplemental, because we need to leave the flexibility for Secretary Rumsfeld and unnamed individuals in the White House and unnamed folks over in the Pentagon to make these decisions.

I am going to tell you right now, that is the road leading to the minority, because it is a lack of oversight and a lack of leadership and a lack of accountability. And I am so happy, Mr. RYAN, I am very happy, it fires me up, Mr. Speaker, that we have a majority that is willing to do what we must do to give the American people, because we are responsible, they are our stockholders. They gave their tax dollars for us to have the opportunity to appropriate those dollars and have oversight over those dollars in an appropriate way.

□ 1915

And by reading these poll numbers and what you just shared, Mr. RYAN, is more than vindication, more than third-party validators; it is leadership, accountability, and being fiscally responsible on behalf of the taxpayer dollars. I can tell you that I don't know a Republican that would say, ''I am against accountability.'' I don't know of a Democrat who would say, ''I don't like being fiscally responsible; I like to be fiscally irresponsible.''

I don't know an Independent who says, and Independents came out in record numbers this last election. They voted for a new direction, and I am so glad we are giving it to them.

Mr. RYAN of Ohio. I would just like to make a couple more points to support you before I take off.

I don't know if you have seen this. I am sure you have as a distinguished member of the Armed Services Committee in your fifth year already. The memo from the gentleman from Texas (Mr. ORTIZ) chairman of the Subcommittee on Readiness, and Mr. ABERCROMBIE, House Armed Services Committee, Air and Land Force Subcommittee, these are the folks in Congress on the ground. They submitted a couple of days ago for Members of Congress, editors, defense writers and other interested parties a memo on military readiness.

I want to say a couple of things that I think are very important on where this war has put our military readiness, an elective war in Iraq as opposed to a real threat to our national interest, and the situation it has put us in. And our distinguished gentlewoman from Ohio (Ms. KAPTUR) who sits on the Defense Committee could probably speak better than I can on this.

Short-term readiness in this memo addresses the needs of soldiers on the field today. Iraq and Afghanistan have been marked by a lack of adequate funding for equipment, from effective Kevlar vests and helmets to uparmored Humvees which are better able to protect our personnel from roadside bombs. Compounding the lack of equipment for both deployed and nondeployed units is the fact that if nondeployed units don't have the same equipment they will use in combat, their training is less than optimum.

So if you don't have a Kevlar vest to train in when you actually are in the field and have to wear one, it is a much different scenario, and you may not have the proper training you need.

Long-term readiness, military preparation for any challenges our Nation may face tomorrow, that encompasses everything from manpower training and equipment to preposition stores of military equipment strategically located around the world that, the Government Accountability Office reports, have been deeply ransacked for Iraqi operations.

Check this out. Roughly half of all of the ground equipment in the United States Army is in Iraq or Afghanistan, nearly half the ground equipment that the Army owns. Since the start of the war, the Army has lost nearly 2,000 wheeled vehicles and more than 100 armored vehicles. Harsh desert climate, mountain terrain, virtually continuous combat and the physical weight of extra armor is wearing out equipment in Iraq and Afghanistan at up to nine times the normal rate.

The Army GAO report details that the Army has not been keeping accurate track of what they have or what they need to reset the force, nor can they provide sufficient detail for Congress to provide effective oversight.

The National Guard, between 75,000 and 100,000 pieces of National Guard equipment worth nearly $2 billion are now in Iraq and Afghanistan instead of National Guard armories around the U.S.; and National Guard units are left with about one-third of their equipment. These urgent equipment shortages hit especially hard on the military's ability to train Guard and active Army units, and they are forced to prepare and train for deployment with minimal equipment.

We have a real problem where the American Army is not ready should we have another incident around the world, or should someone, heaven forbid, attack the United States, or should we have another Katrina. For this President to talk, Mr. Speaker, about protecting the troops and saving the troops and being on the side of the troops, this is being on the side of the troops.

Mr. Speaker, I am going to yield to the gentlewoman from Ohio (Ms. KAPTUR), the dean of the Ohio Democratic delegation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN) and also Congressman KENDRICK MEEK from Florida, two 30-somethings who are outstanding leaders in this Congress, bringing new energy and new vision. I thank them for yielding me this time.

We will have extensive debates on the budget concerning the supplemental request for the war in Iraq, the global war on terrorism, and other related measures tomorrow and later next week. But as we are debating this and looking at sending another $100 billion across the oceans, halfway around the world, to support our troops and to try to reach resolution to that conflict, I want to bring to the attention of the American people a very serious issue here at home, one that is making headlines all over the United States.

This is USA Today's headline, ''Record Foreclosures Reel Lenders,'' and ''Subprime Troubles Send Stocks Into Swoon.''

The issue of mortgages across this country going belly up by the thousands should be of concern to every Member of this Congress. The stock market this week has been roiled by concerns over the financial health of largely unregulated mortgage brokerage institutions that have been irresponsibly issuing mortgages in what is called the subprime market across this country and much of that market targets consumers with less than stellar credit ratings or who are at the margins of home ownership in this country.

They have been luring them into mortgages they can't afford, and as those mortgages adjust to higher interest rates in the third, fourth, fifth and subsequent years, they go belly up.

We saw yesterday the connection between the fast rate of foreclosures and the health of our economy when the Dow dropped 243 points as a reaction to the dramatic rise in these foreclosures. As USA Today recounts in the first paragraph, ''The reason many mortgage lenders are in trouble became alarmingly clear Tuesday. The Mortgage Bankers Association said more than 2.1 million Americans with a home loan missed at least one payment at the end of last year, and the rate of new foreclosures hit a record.''

Companies like New Century Financial, the Nation's second largest subprime lender, have quit making loans and are edging towards bankruptcy protection. There is a map in the article that shows certain States, and I am going to discuss my own now, that are far above the national average where we know thousands upon thousands of people are losing their homes.

Ohio was the number one State in the Union to date with these mortgage foreclosures, three times the national average. They are estimating that in the next year and a half, over 250,000 more home mortgages will reset, and they are estimating that the financing gap in Ohio for this year and next year now totals somewhere between $14 billion and $21 billion. That is just Ohio. Add to it Alabama, Texas, Mississippi, Tennessee, Indiana, Michigan, West Virginia. This is a problem of national proportion.

There is plenty of blame to go around, but there is no question it is a serious issue that should be given primacy in this Congress.

I want to compliment the gentleman from Massachusetts (Mr. FRANK) for holding hearings yesterday on hedge funds, the unregulated part of the financial markets that is rather secretive. We don't know a lot about them, but we know many times they are involved with intertwining with these types of loans that have been going out into the marketplace.

We know our weak economy contributes to the situation, but also the failure of the past Congress as well as State legislatures to address predatory lending practices and to try to nip this problem in the bud before it became so much worse.

There is another side to this coin as well, and that is the large number of campaign contributions made by these hot-shot lending brokerage firms that have been making deals across this country; and that story, unfortunately, has to come out, too, and perhaps why some lawmakers have been unwilling to grapple with the magnitude of this problem and prevent the kind of foreclosures that are going on across the country.

Let me say that this USA Today article and the U.S. Department of Housing and Urban Development have a phone number that I urge citizens to call: 888–995–HOPE. 888–995–HOPE.

This line will connect those who are concerned about losing their homes to foreclosure with foreclosure prevention counselors nationwide. That is something we can do immediately. In the measure we will pass next week, we will make every effort possible to put in housing counseling money, and I would urge the Department of Housing and Urban Development to target those dollars to the areas that are just bleeding with foreclosure after foreclosure after foreclosure.

State and local governments could do a lot to help homeowners find help also, particularly in working out financing deals. I think Wall Street is going to have to take some losses. They ought to take them earlier rather than later. We ought to package some of this debt, and we ought to find a way to eat some of it and move some of those egregious profits they are making into filling the financing gap, because what good will it do for us to have millions of housing units across this country vacant? It is not going to help anybody.

We know in these subprime markets, they don't set aside escrow money for property taxes, and we know this is going to have a major effect on local government as well.

Mr. Speaker, I just want to say the President and his administration are focused on rebuilding Iraq, but somebody had better focus on rebuilding America and dealing with these rising foreclosure problems across the country. I will be the first in this Congress to put my shoulder to the wheel.

I want to thank Congressman MEEK for yielding me this time and thank him for his leadership in showing how much money we are spending in Iraq and how it is affecting our ability to address domestic needs here that coast to coast are so very serious.

[From USA Today]

(By Adam Shell)

SUBPRIME TROUBLES SEND STOCKS INTO SWOON

DEPTH OF DAMAGE IN MORTGAGE BUSINESS CONCERNS INVESTORS

The ripple effect of the ''submerging'' subprime mortgage market hit Wall Street hard Tuesday, with the Dow suffering a 243-point drop amid growing fears that home loan woes will infect other companies and hurt the broader U.S. economy. In another volatile day on Wall Street, stocks were battered by a slew of negative news in the home loan arena, prompting investors to wonder just how deep the damage in the mortgage business will turn out to be.

''The market fears that the submerging subprime lenders could drag down other companies with it,'' says Sam Stovall, chief strategist at Standard & Poor's. ''Investors fear credit will dry up,'' which will make it harder for people to borrow money to buy homes and for companies to raise much-needed cash in a pinch.

Tuesday's biggest losers were financial companies that either lend money directly to homeowners or provide cash to the lenders themselves. Shares of subprime and commercial lenders, investment banks and brokers all finished deep in the red. The top two decliners in the Dow Jones industrial average, for example, were American Express, down 3.5%, and JPMorgan Chase, down 4.4%.

Pain in that sector is magnified by the fact that financial services is the biggest of the 10 industry groups in the Standard & Poor's 500 index, accounting for almost 22% of the index's total market value.

Still, the fallout was broad-based. The Dow fell 243 points, or 2.0%, to 12,076, its worst drop since Feb. 27, when it plunged 416 points. The S&P also dropped 2%, with 487 of its 500 components finishing lower. The three worst S&P industry groups were home building, specialized finance and investment banks/brokerages.

The bad news in mortgage land continued to pile up around subprime lenders as New Century Financial shares lost 49% and Accredited Home Lenders fell 65% on concerns their financial woes will worsen. The S&P's worst-performing stock: Bear Stearns, a big Wall Street brokerage with subprime exposure, fell 6.7%.

The big question now is whether Tuesday's sell-off, like the Feb. 27 plunge, is just air being let out of the speculative balloon, or whether more serious economic issues are at play, says Nicholas Sargen, chief investment officer at Fort Washington Investment Advisors. ''Yeah, we are going to see a general tightening of credit standards and a crackdown on subprime lenders,'' Sargen says. ''If you say it stops there, that is nothing new. But, and it's a big but, nobody knows for sure.''

Investors will be watching what Lehman Bros. says about the health of the mortgage market and if the damage is isolated to subprime lenders when it reports earnings Thursday. Says S&P's Howard Silverblatt: ''They will be looking to get more info as to how much exposure there is and who else is exposed.''

[From USA Today, Mar. 14, 2007]

RECORD FORECLOSURES REEL LENDERS

(By Noelle Knox)

The reason many mortgage lenders are in trouble became alarmingly clear Tuesday. The Mortgage Bankers Association said more than 2.1 million Americans with a home loan missed at least one payment at the end of last year—and the rate of new foreclosures hit a record.

The problem is most severe for borrowers with scuffed credit and adjustable-rate mortgages. More than 14% of them were behind on their payments. And the worst is yet to come, the MBA said. At least $300 billion in subprime ARMs will reset this year to higher interest rates. Those borrowers face higher payments and a harder time refinancing.

Blindsided by the number of loans that have already gone bad, more than two dozen lenders have gone out of business or been purchased. New Century Financial, the nation's second-largest subprime lender, has quit making loans and is edging toward bankruptcy protection.

''There's been a stunning erosion of mortgage quality,'' said Mark Zandi, chief economist at Moody's Economy.com. ''It's primarily in the subprime market, but the entire market is weakening . . . and that adds to problems in the housing market, and by extension the broader economy.'' Retailers are already feeling the effect, he said, because homeowners tend to spend less when they fear their homes are worth less.

To stem their losses, lenders are ending 100% financing plans, requiring better credit scores and demanding more proof of a borrower's income. The stricter rules are squeezing first-time buyers, as well as homeowners who want to refinance.

Sellers, meantime, must compete with a rising number of foreclosures at cut-rate prices. Lenders that seize control of a house are usually aggressive about selling it, to limit the cost of maintaining and marketing it.

It's like a one-two punch, Zandi says. ''It means less demand because many potential borrowers will be locked out,'' just as foreclosures expand the supply of homes for sale.

Some economists, such as Patrick Newport of Global Insight, had been expecting the real estate market to rebound soon. Now, he says, ''We probably won't see a recovery in the housing market until next year.''

In fact, sales of new homes are expected to fall 10% this year, while sales of existing homes are likely to slip about 1%, the National Association of Realtors said Tuesday.

States with the most job losses are seeing the largest number of delinquencies. In Mississippi, Louisiana, West Virginia, Michigan, Alabama, Missouri and Tennessee, at least one in five subprime ARMs is in default.

In the final quarter of last year, 0.54% of homeowners with a mortgage began foreclosure proceedings—a record—up from 0.46% in the third quarter.

Calls from distressed homeowners to the Homeownership Preservation Foundation, a free credit counseling service (888–995–HOPE or 888–995–4673), have more than doubled from last summer.

Mr. MEEK of Florida. I thank the gentlewoman from Ohio. I am so glad that she comes to the floor often to share with Members and the American people on issues that need light. It is good when we are able to give good information out.

Mr. Speaker, I think it is important as we go through this week of accountability in Washington, D.C. I think that is what people have been waiting on and counting on. The leadership is being provided to make that happen.

Earlier you heard me talk about the whistleblower legislation that was passed here today. When we start talking about ending waste in Federal contracting, we start looking at strengthening protections for Federal whistleblowers and moving to increase disclosure requirements for Presidential records, and also requiring disclosure of big donors to Presidential libraries. Providing long-term, overdue, constitutionally mandated oversight over veterans' health care crises and other Federal issues is very, very important. This is serious work, and there are some serious pieces of legislation that will cross this floor.

Tomorrow we will be dealing with the whole issue of accountability in contracting. That is so very, very important, not only with the war in Iraq and the war in Afghanistan, but many of the contracts that are being executed in Homeland Security and the Defense Department. As we start to look at future disasters, looking at future contracting in our Federal agencies, it is important.

Limited duration of no-bid contracts awarded in emergencies to 8 months; within the emergency, Mr. Speaker, if it is an emergency, it is an emergency, not an emergency over the next 4 years for no-bid contracts. And many of the bigger companies have taken advantage of the no-bid contracts and have been the headline of several news articles about the fact that we have not provided the kind of oversight needed.

Also, requiring large Federal agencies to develop and implement a plan to minimize the use of noncompetitive contracts in having no-bid contracts, and many of these Federal agencies have not only doubled, but tripled in some instances.

□ 1930

So overall within the Bush administration that has doubled under this administration.

Also, requiring large Federal agencies to implement a plan in minimizing the use of cost-plus contracting. Cost-plus contracting are the type of contracts that give contractors little or no incentive to control costs. This is so very, very important. This kind of contracting has grown by 75 percent under this present administration.

This legislation that we are passing or will pass tomorrow hopefully as we debate it on the floor is not for the Bush administration. It is for the future. It is from this point on of how we are going to deal with contracting, how we are going to cut out some of this waste that is taking place here in Washington, D.C., and throughout the Federal Government.

This is really tackling many of the issues that we have right here under our nose, Mr. Speaker. We do not have to go off into foreign lands and try to figure out how we can correct. We need to correct some things right here in Washington, D.C., on how we do business.

Also, requiring agencies to prepare a public letter explaining why they awarded a no-bid contract. Again, shedding light where we do not have light now. This is leadership and work. It takes work to uncover the fact that we must shed light on the issue of no-bid contracting.

Also, requiring that contractors that overcharge more than $1 million, that it is disclosed to Congress. We want to bring about accountability. Disclose it. Right now, contractors that go over and overcharge, go over the billions of dollars. When I was on Homeland Security Committee last year, the oversight committee, seeing all of the contractors that overcharged and was paid by the Federal agencies and Homeland Security, you charge us, you sent us a bill, we will pay it, no accountability, no oversight. Those days are over. It is going to start here tomorrow here on this floor.

I urge all Members to vote for the legislation in the affirmative, and Mr. Speaker, maybe tomorrow when we come to the floor, the 30-something Working Group, maybe we will have a bipartisan vote on this legislation. It is kind of hard for anyone to go home and say I voted for the Accountability in Contracting Act. Just the word ''accountability'' I have been using that for the last 3, 4 weeks. We will see. I hope we have it.

Also, making sure that we close the revolving door and requiring that former Federal procurement officers wait 1 year before seeking employment at lobbying and contracting firms; require that the Federal procurement officer wait 1 year before involving themselves in contracts given by the former employer.

I think it is important, Mr. Speaker, once again, we had just here on this floor, we have had Members that have anchored bills, led it through Congress and announced retirement, in past Congresses they have done this, announced retirement and go into the private sector and make millions, but that happens under the lights of this Chamber.

But in some of these Federal agencies, you have some folks that will start a project and then have an end date of when they are going to end their Federal employment to do what? To go out and manage the project. Again, I do not know an Independent, Republican or Democrat that would endorse that kind of activity.

Why will the Accountability in Contracting Act be on the floor to tomorrow? Because the Democratic leadership has the will and the desire to clean up the waste in Washington, D.C., not just talking about it, not just

having boards behind us saying we believe in accountability, we hate waste, but actually doing something about it.

This should be good for the private sector, too, of making sure that their employees and individuals that work with them and subcontractors that work with them on Federal contracts are accountable and that they make sure that they pay very close attention to what they are doing with the taxpayer dollars.

So, Mr. Speaker, with that, I look forward to coming to the floor tomorrow, talking about the victories of this week. I believe tomorrow will be our last day voting here this week, and I would like to just recap and also talk about what is coming up next week. The reason why we are going through this process is because not only has the leadership asked for inclusion of ideas, but to make sure that no one feels excluded of being a part of this process and having the opportunity to vote on legislation.

The bipartisan votes that I have mentioned earlier will continue to add on to that list, and soon I am pretty sure it will be in the high 30s and 40s because legislation that makes sense to the people back home are coming to the floor of the House of Representatives in a record number like it has never done before.

So I am happy that we are having these bipartisan votes. I am happy that we are working as though we were in the minority, hungry to provide leadership. I am glad that accountability is shining on to this floor and throughout the halls of Congress, and with that, Mr. Speaker, once again, it was an honor addressing the House.

REPUBLICAN STUDY COMMITTEE

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the opportunity to come to the floor this evening and to talk about something that is of tremendous importance to the American people, and today, we have introduced an American Taxpayer Bill of Rights.

This is something that we have had talk. We have had a lot of conversation. We have heard from constituents around the country who have said, you know what, we do not like the size of government. We do not like how it has grown. We do not like how government seems to be out of control. We do not like how the Democrats always seem to support the government elitists. We know that we need to have somebody there fighting for the American taxpayer, fighting for the American family, so that when they sit down to work out their budget, when they sit down to look at the family finances, they can be assured that somebody is thinking about them when they take the votes that are going to affect us, to affect the Federal Tax Code and to affect how the American family lives and works and hopes and dreams and plans, how they make their plans for college education, how they make their plans for small businesses, how they make their plans for building a nest egg and a retirement.

So we have the American Taxpayer Bill of Rights that was introduced today by the fiscally responsible Republican Study Committee, and this is something that we have brought on. Some of our colleagues are going to join us tonight and talk about this issue, talk about the legislation that we have brought forward, and that we will bring forward through the next several months and talk about the proposals and the principles that we have laid forth today.

Now, if my colleagues want to find out more about the American Taxpayer Bill of Rights, I would encourage them to go to the Web site which is house.gov/hensarling/rsc, and you can e-mail the Republican Study Committee at rsc@mail.house.gov. That is the way to stay in touch with us, and as we talk about the principles that are embodied in the taxpayer bill of rights, we want to hear not only from our colleagues that are here in the House but from our constituents all across America, from people who want to weigh in on making certain that this Nation stays focused on preserving freedom, on preserving free enterprise, that we stay focused on making certain that America is a prosperous Nation.

Now, our components, we have four simple principles that we have introduced into the American Taxpayer Bill of Rights, and I am certain, Mr. Speaker, that people that are listening to this say I think I have heard about a bill of rights in my State; I think I have heard this before. Many of our States have because many of our States know they need to be responsible with the taxpayers' money, and that is one of the first lessons.

The money that we have here in Congress is not government's money. It is not the money of the House of Representatives. It is the money of the taxpayers of this great Nation. They are the ones that have earned that money. They are the ones that have paid their taxes.

Most of my constituents in Tennessee will tell me regularly, Congress does not have a revenue problem; they have got lots of money and they are right. For the past 2 years, this government has brought in more tax revenue than ever in history. We have had more revenue come in. The problem is government has a spending problem. Government has such an appetite, it never gets enough of your money.

Now, my colleagues across the aisle like to talk about how there is all this waste and how there is all this fraud and how there is all this abuse, and you know what, they are right on that, because over the past 60 years there has been this huge, enormous bureaucracy that they have built. The bureaucracy of the Federal Government that exists in this town is pretty much a monument to the Democrats. They like it. They like bureaucracy.

They did not have control of this House for 2 days before they increased spending, and within 2 weeks they had increased taxes on the American middle class and American working families. Two days to increase the spending, so that they could feed this bureaucracy, so that they could grow this bureaucracy; and 2 weeks to increase taxes on the American middle class and the American family, men and women that are working and seeing their taxes go up. Last week, I think it was $17.9 billion that they increased spending.

So their habits have not changed. They are going to continue to feed the bureaucracy, to see that bureaucracy waste money, to see that bureaucracy grow because that is the way they like it.

What we are going to do in the fiscally responsible Republican Study Committee is put the focus on the American family and on the American taxpayer and be certain that they know we are defending their rights.

One of those is to limit Federal spending to the growth of the American family budget. Now, this is a great idea that we have taken from many of our States.

In Tennessee when I was in the State Senate, when you look at our State Constitution, you cannot grow spending in that State more than the growth of the budget. You have got to be certain that you balance that out. So what we are saying is, if we have per capita income growth of 3 percent or 4 percent, then you cap your Federal growth spending at 3 percent or 4 percent. You cannot be growing it 8 or 9. You cannot keep up with that. There is no way to make those numbers work unless you go into deficit spending.

Our friends across the aisle love to rail about deficit spending. Well, how did we get there? They grew a government so big, with entitlements so wide, that every year they come here and it is always a little more and a little more. Let us spend a little bit more, and a little bit adds up to a lot, and a lot adds up to a deficit, and a deficit adds up to a debt.

So limit what the Federal Government is going to spend, get in behind some of these programs that have outlived their usefulness.

Every year we bring forward programs that have outlived their usefulness. Every year we talk about programs that need to be reduced. Every single year we talk about ways to find waste, fraud and abuse. It is time for this body to have the will and the energy to begin to reduce spending.

Mr. Speaker, for all the rhetoric that comes out from some of the liberal elites who want to pad and grow the

bureaucracy and some of those organizations that benefit from the bureaucracy, you do not hear them talking much about the Deficit Reduction Act that this House passed and was the budget for 2006. The Deficit Reduction Act included a 1 percent across-the-board reduction in discretionary spending.

□ 1945

Lo and behold, that yielded a $40 billion savings. Well, now, those on the left wanted to cry, oh, $40 billion is not enough. It is a mere drop in the bucket. It is not even a good start. Their solution was to go out and propose several hundred billion dollars' worth of spending amendments that would increase spending.

That is how they wanted to reduce it. Not reduce what we were spending, just maybe reposition some money and spend a little more.

So we want to be certain, the Republican Study Committee, with our fiscally responsible premises, let's limit it. Let's not let this Federal budget grow more than the family budget.

Another of our premises is to ensure that our Social Security remains secure. I think it is absolutely appalling that every year the Federal Government spends the surplus from Social Security, every single year. Every single year it goes into the general fund.

We have a plan we are going to bring forward, and we are going to see several different plans on this. Move it off budget, don't spend it, make certain that it is there for our seniors when they are ready to retire.

Commonsense tax reforms: We have a plan for sunsetting the Tax Code, and as we sunset that Tax Code on January 1 of 2011, let's begin now and have a debate. Do we want a flat tax? Do we want a fair tax? How do we want to reduce what the taxpayer spends? How do we want to reduce the tax burden?

You know, one of my colleagues was down here a little bit earlier and was talking about how difficult things are for working families, how difficult things are for moms and dads who are working and trying to make ends meet, and where they could go for help. You know the best place they could go for help? The best place to go for help is right at your kitchen table when you can look there at the papers in front of you and say, we have seen our taxes reduced by 15 percent, by 20 percent, by 25 percent.

There is no need for nearly 50 percent of everybody's income to end up going to taxes at the local, State and Federal level. It is time to roll that back. Give people first right of refusal on the money that they earn in their paycheck.

Our fourth premise is to make certain that we have a balanced budget amendment, another great idea that has come from our States. Many of our States have balanced budget amendments, many of our cities and county governments have balanced budget amendments. You cannot go into deficit spending. The Federal Government needs to adopt that practice.

At this time, I would like to yield to the gentleman from Texas (Mr. HENSARLING), who is chairman of the Republican Study Committee, for his comments on the American Taxpayer Bill of Rights that was introduced today.

I yield to the gentleman from Texas.

Mr. HENSARLING. I certainly thank the gentlelady for yielding, and I especially thank her for her leadership. She was one of the prime architects of the Taxpayer Bill of Rights that was unveiled today in the United States Capitol. It is a very bold concept that we have, and that is that taxpayers, taxpayers ought to have rights that will be as respected and as revered as those that are enshrined in our United States Constitution.

Now, why is this so important? Just within the last 2 to 3 weeks, we have heard reports now from the Congressional Budget Office, the Office of Management and Budget, the Government Accountability Office, the Chairman of the Federal Reserve, the Secretary of the Treasury, every single person, or every single department that is in charge of either the monetary or fiscal policy of our government have all come to the same conclusion; and that is the number one challenge that we face, the number one fiscal challenge that we face in America is the out-of-control spending represented by what we call entitlement spending.

Now, our friends on the other side of the aisle, they don't want to do anything to help reform entitlement spending. They don't seem to want to work with us to find better, smarter, more accountable ways to deliver health care and to deliver retirement security at a more reasonable and affordable cost. So what that means is, there will be a tax increase, yet another tax increase on the American people.

Now, immediately, they have their sights on the tax relief that was passed in the last few years, the tax relief that has now created over 7.5 million new jobs in America; 7.5 million more people are working now because of the economic growth due to that tax relief. They want to do away with that.

We have the highest home ownership we have ever had in the history of America, home ownership, part and parcel of the American dream, and thanks to this tax relief, we have that. Household net worth is up. The unemployment rate is lower than it was in the average of the 1990s, the 1980s, the 1970s, and even the 1960s. All of this is due to tax relief.

But our friends on the other side of the aisle, they want to take it away. They would take the working poor and increase their taxes 50 percent. They would take away the 10 percent bracket, bring back the 15 percent bracket. They bring back the marriage penalty, the marriage penalty. Tomorrow, if you fall in love, you get married, you pay higher taxes. The list goes on and on. Now, that is bad enough, but that is just what would happen immediately if we don't have a Taxpayer Bill of Rights.

More importantly, as time goes by, just to pay for the government we have today, the government programs which are on automatic pilot to grow exponentially, if I remember my 8th grade geometry, it's not growing like that, it's not growing like that, it's growing like that. These programs are growing exponentially. What is going to happen is, as time goes by, the children and grandchildren of our families, they will be facing a tax increase of almost double their present taxes.

Again, let me restate that, double taxes. The average American family today pays about $20,000 a year combined in their Federal income taxes and their payroll taxes. People who are viewing this debate now, their children, their grandchildren, are going to be facing a crushing tax burden of almost $40,000.

Again, don't take my word for it. Go to the Web site of the Office of Management and Budget. Go to the Web site of the Government Accountability Office.

The Comptroller General, I guess you would call him the ''chief green eyeshade guy'' for the Federal Government, our key actuary, has said something along the lines, and this is a paraphrase, that we stand on the verge of being the first generation, the first generation in American history to leave the next generation with a lower standard of living.

Mr. Speaker, my wife and I have a 5-year-old daughter and a 3-year-old son, I am not just going to sit idly by and allow that to happen, allow that to happen. We have to have a Taxpayer Bill of Rights today to save the taxpayers of the future from this crushing burden. Shame on us if we do nothing, if all we do is look to the next election and not the next generation.

That is why it was so important, particularly having the help of the gentlelady from Tennessee in helping craft this Taxpayer Bill of Rights, four very fundamental principles that are so important to the future of this country.

Number one, and probably the most important principle, every taxpayer ought to have the right to have their Federal Government not grow faster than their ability to pay for it. What a radical concept to think that if your family budget grows 3 or 4 percent, why should the Federal budget grow 7, 8 or 9 percent?

Ultimately, we cannot sustain that growth rate, because every time, every time we balloon the Federal budget, we are putting the family budget in a vice. That means there are families all over the Fifth District of Texas, that I have the honor of representing in the hallowed halls of Congress, some family in the Fifth District of Texas, now they are not going to be able to send a kid

to college because there is a plan, they don't have any rights as taxpayers, and their taxes are going to get increased 50 to 100 percent.

Some family in the Fifth District of Texas will not be able to enjoy their version of the American dream, express their entrepreneurial spirit and start their first small business. Some family in the Fifth District of Texas, they are not going to be able to get the proper, long-term care for an aged parent, all because Uncle Sam will take more taxes, more and more taxes, just to pay for the programs we have today.

So we believe that every taxpayer ought to have the right to have their Federal Government not grow beyond their ability to pay for it. The Federal budget should not be growing faster than the family budget.

Second of all, we know how important Social Security is to our seniors. Not only am I a father, I am very happy that I have parents who have Social Security. It is part of their income. It is a very important program.

But every taxpayer who pays into Social Security ought to have the right to know that their Social Security taxes will be used only for Social Security. We know if we don't reform that program, if we don't take it away from big spending liberals in Congress, they are just going to blow it on something else. That is not right.

Every taxpayer should have the right, should have the fundamental right, who pays into Social Security, to have that money go to Social Security.

Third, the Tax Code is wrong. It is unfair, it is complex, it is unconscionable. It ought to be pulled out by its roots and thrown away. Every taxpayer should have the right to a fair and simple Tax Code, one that they can understand, one that they don't have to employ an army of lawyers and accountants to explain to them, a Tax Code where, if you call the IRS, you shouldn't get five different answers just because you talk to five different people about a problem.

They ought to have a right to a Tax Code that, due to its complexity, doesn't send jobs overseas.

It is time to sunset the Tax Code. We want to sunset the Tax Code in 3 years and force this body to replace it with something that will be fair, something that will be simple.

Winston Churchill once said that Americans will usually do the right thing once they have exhausted every other possibility. It is time to exhaust the other possibilities and help force this Congress to do the right thing and scrap the Code.

Fourth, the fourth right of the conservative movement in the House, the Republican Study Committee, we believe that every taxpayer ought to have the right to have their Federal Government balance the budget. Families all across America have to balance their budget. Why doesn't the Federal Government balance theirs and balance it without raising their taxes?

Of course, we can balance the budget if we double their taxes, if we take away their hopes to send a kid to college, if we take away their hopes to start a small business, if we take away their hopes of providing long-term care for an aged parent. Sure, that is one way of balancing the budget, but there is another way. It is for Members of Congress to actually do the hard labor of prioritizing all the Federal expenditures and getting there and reforming ancient programs that are no longer fulfilling their mission, or maybe they already have. Maybe they have already achieved success.

It wasn't too long ago that I figured out that we were still paying for Radio Free Europe. I don't know how many people who are listening to the proceedings this evening remember Radio Free Europe; it served a very vital role in helping win the Cold War. But if I remember my history properly, the Berlin Wall came down in 1989. We should have given everybody at Radio Free Europe a great party, given them a great bonus check and used that money to help shore up Social Security.

President Ronald Reagan once said the closest thing to eternal life on Earth is a Federal program. So we have to decide, what is the priority around here? We need to balance the budget.

The easiest thing Members of Congress do is, they say ''yes'' to some constituency today, and then they just go ahead and send the bills to a future generation. Just by leaving government on automatic pilot they are sending bills to future generations, because we know again, if the Democrats on the other side of the aisle will not work with us to reform out-of-control, runaway entitlement spending, again, our children and grandchildren are going to face a doubling of their taxes. That is unconscionable, absolutely unconscionable.

So we, the conservatives within the House of Representatives, represented by the Republican Study Committee, believe that taxpayers deserve four fundamental rights: a right to have a government grow no faster than their ability to pay for it; they should have the right that every single penny of their Social Security tax dollars goes to Social Security; they ought to have the right to a fair and simple Tax Code; and they should have the right to have the Federal Government balance the budget so that they don't end up paying half of their tax burden for previous generations.

So I am very happy that 100-plus members of the Republican Study Committee have come together to embrace this Taxpayer Bill of Rights. It is a very exciting concept, and one, Mr. Speaker, that legislation will be introduced in the weeks and months to come, that we will be talking about from coast to coast, north to south, east to west, that we believe will capture the imagination of the American people so that finally some amount of fairness and some amount of rationality can come in, because if we say ''yes'' to everybody who walks in our office today with their hand out, we end up saying ''no'' to our children's future.

□ 2000

And, again, I don't want to be a part of the first generation in America to leave the next generation a lower standard of living. That is not the American way. That is not the American dream. There is a better way, and it is called the Taxpayer Bill of Rights.

And with that I would be happy to yield back to the gentlelady.

Mrs. BLACKBURN. I thank the gentleman from Texas for his leadership on the issue. The American people have just so clearly said we are tired of this wasteful spending. We are tired of taxes that continue to go up. We are tired of watching wastefulness in bureaucracies that don't respond to you when you need them, when you have a problem.

And we have heard from so many people today who have said, we are so excited somebody has grabbed this problem and is looking for solutions, because that is what the American people want is for this body to come together to grab hold of problems and to work for solutions, work those problems through to solution, so that we make certain that our children and our grandchildren are going to have a better future, so that we know that we are going to leave things in better shape than we found them. That is good stewardship.

And continuing to feed this bureaucracy that started with the New Deal, that started with the great society, programs that have piled on and piled on and piled on; people that are afraid to say no to every special interest group that comes in this town.

It is time for things to change. The Republican Study Committee has unveiled their Taxpayer Bill of Rights; house.gov/hensarling/rsc. Or e-mail the Republican Study Committee, rsc@mail.house.gov, and give us your comments and your feedback and participate with us as we look at ways to make certain that we take less from the American worker, we take less from the American family, we reduce those taxes, and we leave that money there with you, without ever taking it away, leaving it for you so that your pay check is bigger, so that you have got money left over at the end of the month, instead of having too much month left over at the end of the money. That is the way we need to be doing it, leaving the money with the taxpayer.

At this time I would like to yield to the gentleman from Georgia, Dr. GINGREY, who has been such a leader on fiscal issues and on the tax reform issues, and seek his comments on the Taxpayer Bill of Rights.

Mr. GINGREY. Mr. Speaker, I really thank the gentlelady for yielding. And

I am sitting here chuckling a little bit here at that comment, too much month left over at the end of the money. If that doesn't cut to the chase, I don't know what does. And certainly I want to compliment my colleagues from the 108th Congress.

Mrs. BLACKBURN. If the gentleman would yield.

Mr. GINGREY. Of course I will yield.

Mrs. BLACKBURN. I have a constituent who uses that phrase all the time, you know, about having too much month at the end of the money, and would like to have a little bit of money at the end of the month.

And today, during our press conference, as we announced this, one of our colleagues was quoting one of his constituents named Hoss. Another of our colleagues got up and quoted the philosopher, Voltaire.

And where I come from in Tennessee, we generally quote country music. And when we talk about this Tax Code, I generally think of the great James Dean Hicks song sung by Randy Travis, ''When You're In a Hole, Stop Digging.''

And that is what the American people and what a lot of our constituents are saying. We have dug such a hole with this 17,000 pages of Tax Code, and it is taking too much away, and there is not enough to cover the expenses every single month. So we are kind of looking at the IRS and saying, maybe we will bury these tax books.

And I yield back to the gentleman.

Mr. GINGREY. And I thank the gentlewoman; and absolutely right on target. I also share her love of country music as well.

But when we did that press conference today, Mr. Speaker, with our Communications Chair of the Republican Study Committee, our chairman, the distinguished gentleman from Texas (Mr. HENSARLING) and JOHN CAMPBELL, the gentleman from California, who chairs our Subcommittee on the Budget and Spending Task Force and many other of the members of the Republican Study Committee and talked about this four point Taxpayer Bill of Rights. Everything has got an acronym. You could call that TABOR, I guess, TABOR. But the gentleman from Texas who just preceded me outlined those 4 points. I don't need to go back into that.

But clearly, the Taxpayer Bill of Rights is just as important, as one of the Hosses from the State of Georgia, our dear esteemed colleague, Charlie Norwood introduced a bill a number of years ago, the Patient Bill of Rights. I love that. The Patient Bill of Rights. I wasn't a Member at the time. It inspired me to become a Member, because he was concerned about the physical well-being when the excesses of the managed care industry, if you will, were really causing people a hard row to hoe to get to their doctor of choice. And Charlie Norwood, Dr. Charlie, had that Patient Bill of Rights because he was concerned about the physical well-being of America. And what we are talking about now is the fiscal well-being in this Taxpayer Bill of Rights, equally as important.

And again, I am proud to be supportive of my colleagues in the Republican Study Committee. I hope that we can have the Blue Dog Democrats embrace this TABOR, Taxpayer Bill of Rights.

I will tell you this, Mr. Speaker. This is the season of Lent. It is the season when Christians reflect on their spiritual life, and they think about repentance and doing things better and being better toward their fellow man and making sacrifices.

And I will tell you, I have thought about that during this Lenten season; we are midway at this point, of my political life and what changes I, as a Member, can make, representing those 650,000 constituents in the 11th District, Northwest Georgia, what can I do better for them?

Have I lost my way a little bit?

I want to say this, Mr. Speaker. And these are my two good friends that are on the floor with me. They have not lost their way. And they have been an inspiration to me from day one, back in 2003, when we were sworn in, in regard to their total commitment to fiscal responsibility and taking that leadership role.

I have been maybe, from time to time a little bit squishy. Some of those people that come in, you know, it is easy, everybody needs a little bit more. Just what is going to make you happy? Well, just a little bit more spending from the Federal Government.

But I am recommitting myself during this Lenten season, both spiritually and politically, because what has really happened, Mr. Speaker, and I think my acting Legislative Director said this to me as we were chatting earlier this evening. He said, you know, Congressman, what has happened here is the Federal Government has become this giant riding lawnmower, this giant riding lawnmower, when the Founding Fathers really intended it to be a weedeater, and that is exactly what has happened. We need to go back and with this Taxpayer Bill of Rights, go back to the days when the Federal Government was a weedeater, and we can do it. And I commend my colleagues, and I appreciate the opportunity to share those thoughts with my colleagues tonight.

And I yield back.

Mrs. BLACKBURN. I thank the gentleman from Georgia. I was interested in some comments the gentleman from Georgia made earlier today as we look at sunsetting the Tax Code. And I appreciated his perspective on the conversation we should have with the American people about sunsetting the Tax Code, and then, what kind of tax we go to, and what a great and vigorous debate that that can be. We have got some wonderful options to choose from. And there are those that want to reduce the limits. There are those that want to get rid of some of these 17,000 pages of deductions and credits and special preferences and incentives, and they want it to be simple and easily understood. And I appreciated that.

There are those, and the gentleman from Georgia mentioned that, another of our colleagues, who supports the fair tax, and having just the national sales tax, and how important that would be to allow a debate on that. How wonderful for the American people if both sides would come together, if they would join the fiscally responsible Republican Study Committee and say, we are going to have this debate. We are going to get rid of this Tax Code. We are going to set about on the path so that our children and our grandchildren will say, they thought about me. They put in place a tax code that I can do my taxes myself. I can focus on building a business. I will have more money in my checking account, in my savings account, in my business, building that nest egg. They will leave that money with the person that earns it, rather than sending it to a bureaucracy to waste on frivolous desires. And I appreciate the comments the gentleman from Georgia made on that issue.

At this time, I would like to recognize the gentleman from Iowa (Mr. KING), who has worked diligently on the issue of tax reform since he came to this body.

And Mr. Speaker, it is a point of personal pride for me that our freshman class that was sworn in in 2003, everyone that is here in the 108th Congress, all the Members speaking tonight were a part of that class.

And I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from Tennessee and especially all the work that you do and the way that you helped direct this communications together so that it is a consistent message. And it is a privilege to serve with you. And there is a certain bond that comes in. When you come into this Congress together, you go through these wars together, and you fight the battles together and stand up for Americans and for the Constitution together. And those are bonds that make us stronger and make us better and more unified. And when we see things happen that are breaking down the opportunity for a better American destiny, that is when we rally and come together for the things that are right.

And so with the discussion that has been going on here, that has to do with the responsibility of funding and being able to put together a real fundamental tax reform and the reference to the fair tax, I need to stand and say that that is something that I came to a conclusion that I was supportive of that concept some time in about 1980. In fact, I know it was 1980 because it was the IRS that audited me one too many times in a row and the audit was for 1979. And as I sat there and my business was immobilized for 4 days while I pulled pieces

out of the filing cabinet, finally we got that resolved. And then I went back out and climbed in the seat of a bulldozer and I began to think, why are those people in my kitchen? Why are they looking through everything, all my records that I have had for the last several years? Who do they think they are making Monday morning quarterback decisions on decisions I had to make on the fly while I was trying to make a living? And wouldn't it be wonderful if we could live without the Internal Revenue Service.

And so I started with that principle, quickly got to the principle of, as Ronald Reagan said, what we tax we get less of. What you subsidize, you get more of. What we tax we get less of.

And so the Federal Government, in its ''infinite wisdom,'' and I do put that in quotes, has the first lien and taxation on all productivity in America. Well, I want to take that first lien off of all productivity. I want to untax all productivity. I want to untax the poor. I want to put the tax on consumption, not production. And if we do that, we will see this Nation's economy blossom and grow dramatically. People will get back their freedom. Little Johnny, that puts up his baseball cards, or Sally, that buys her Barbie doll clothes, will have to dig a couple of dimes out for Uncle Sam. And when they see that, transaction after transaction, that generation of Americans will understand how expensive the Federal Government really is, and some of those little Johnnys and Sallys will come to this Congress and stand here on this floor like we are tonight, and they are going to say, boy, you know, I kind of like my freedom, and I am really not that happy with more government security, and we will have a Nation of responsible people that will be singing their voices here on the floor of Congress and shrinking the responsibilities that Congress has taken on, and expanding personal responsibility.

Mr. Speaker, I would also like to address this issue of this bill that we expect is coming to the floor next week, and the bill that would have in it the supplemental appropriations for our armed services, and all the bells and whistles and the Christmas tree that the people on the inside of the door could possibly hang on there to the tune of, we are at least hearing $20 billion in other wants that some people want to have that they want to bring to this floor when we need to make sure that we fund our military in a responsible fashion.

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And we haven't seen a lot of those details. They aren't going to come to us in time to actually debate them and analyze them very well, but they have been leaked to the press.

So I would like to make a point here, a point, Mr. Speaker, for the American people to understand. We all come down here on this floor every new Congress, this 110th Congress. And I bring my Bible to the floor and I swear on my Bible, not the Koran, but the Bible, and I swear to uphold the Constitution of the United States.

Well, I happen to have one here, I carry it in my jacket pocket every day. And the people who are behind the scenes that are drafting the supplemental bill that needs to take care of our military and adding the billions of dollars onto that need to go back and check this Constitution in a couple of places. They swore the same oath. And here are our constitutional responsibilities as a Congress. This comes from article I, section 8.

We have the responsibility and the constitutional authority to declare war; to raise and support armies, to provide and maintain a navy, by implication, and an air force; and to make rules for the government and regulation of the land and naval forces.

And we also have to recognize that in the Constitution the President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several States when called into actual service of the United States. That is our constitutional obligation, Mr. Speaker. And we have all taken the same oath.

And we will have another profound constitutional debate here on the floor of this Congress. And I will submit that there has not been a court test or a court challenge to the standards that I am going to ask this Congress to be held to, and that is, this constitutional standard, this standard of we declare war, we fund the military and we hand the authority of commanding this military over to the commander in chief because it is a constitutional right that he has and a constitutional obligation that we have to support and trust him as he makes those decisions, those life and death decisions; and I mean life-and-death decisions for armed services personnel, also life-and-death decisions for American civilians, for civilians around the world.

The life-and-death decisions for the life of this Nation hang in the balance. And we think that we have 435 generals here in the House of Representatives, and 100 generals over there in the Senate, and somehow that committee of 535 can come to a consensus and we can figure out how to fight a war which requires intelligence, secrecy, knowledge, decisionmaking, the element of surprise, the list could go on and on and on, all the things we could give up if we think we can micromanage a debate from here.

It is a political debate on this floor, Mr. Speaker; it is not an analytical debate. It needs to become a constitutional debate. I am going to stand with the Constitution. I am going to stand with my Oval Office. I am going to stand with the commander in chief, whether he is a Democrat or Republican, and maintain my constitutional responsibility here and keep my oath, which I swore on my family Bible here on the floor of the United States Congress.

I would be happy to yield back to the lady from Tennessee, and I thank you.

Mrs. BLACKBURN. I thank the gentleman from Iowa so much.

And I am so pleased that he mentioned the supplemental budget that will come before us. I noticed today in an article I was reading that it would include $16 million for new House office space. That is not an emergency priority, it is not a war priority, that is something that should be disclosed in the regular budget. And I find it so curious that we are having this type spending find its way into our budget. And Mr. Speaker, that is unfortunate that the American people are having the wool pulled over their eyes, if you will, are being afflicted with this type of budgeting process where there is going to be all sorts of additional domestic spending that goes into something that is to fund our troops and to meet the needs of the men and women in the field.

As I close this tonight, I want to go back to talking a little bit about how we limit the Federal spending, how we limit the growth in the Federal Government. And as we have worked on preparing this American Taxpayer Bill of Rights and as we have looked at the items that go into this, as we look at how to grab hold of this situation and this problem and solve it and move the solution to the floor of this House, as a way to be certain that we keep the emphasis on freedom and prosperity for the American people, we had a comment that was made. And it was that the Federal budget should not tell the story of the government, the Federal budget should tell the story of the American people.

And, Mr. Speaker, I think that that is a very appropriate way for us to consider this budget document and what the budget should look like and what the Federal spending should look like. Because truly if we are listening to our constituents, if we are making certain that we meet our priorities of leaving money with those who earn it, balancing the budget, making certain that the money we earn that has been set aside for our retirement and Social Security is there for Social Security and is not spent on frivolous needs, frivolous wants of the government, then we can say, yes, indeed, the budget document, Federal spending, should tell the story of the American people and their priorities.

And, Mr. Speaker, I think if you were to ask any of our constituents, what are those priorities, what should government do? They will tell you, defend our Nation; keep us free; make certain that we are secure; keep the emphasis on our families; keep the emphasis on our communities; make certain that we are safe, that we are free, that we have the opportunity to seek the American Dream. And as many of us would say, keep that focus on faith, family, freedom, hope and opportunity.

That is what we should do as we keep our focus on the American Taxpayer Bill of Rights.

We have been joined by the gentleman from California (Mr. CAMPBELL), who chairs our Budget Committee. And I am going to ask him to provide our closing remarks as we finish our debate this evening on the Taxpayer Bill of Rights, and at this time I yield to the gentleman from California.

Mr. CAMPBELL. I thank the lady from Tennessee, Mrs. BLACKBURN, for yielding and all of your great, great hard work on this and all kinds of other issues on behalf of the taxpayers, because that is what this is about, Mr. Speaker, this is about the taxpayers, American Taxpayers Bill of Rights. It is about American taxpayers having in law rights that they should have by right.

You know, Congressman RYAN from Wisconsin today said, and I am going to paraphrase some of what he said, that Congress should have constraints so that the people can have more freedom.

If you look at what has happened here, in 34 out of the last 38 years, this Congress has spent more money than it took in. It ran a deficit 34 out of the last 38 years. This year will be another one. That will be 35 out of 39 years. Clearly something is structurally wrong.

What the American Taxpayers' Bill of Rights will do is put some structure and make this structurally right. Let's just run through one more time what those four rights are that are going to restore fiscal responsibility here in Washington, the fiscal responsibility that the people watching at home already have.

First of all, you have the right to know that your government will not spend money faster than your ability to pay for it. What does that mean? Well, Mr. Speaker, that means that if taxpayers' incomes go up by 3 percent in a given year and the government's spending goes up by 7, you won't be able to pay for it. If you get a 3 percent raise and the government spends 7 percent more money, the only thing they can do is increase taxes so much that they take 100 percent of that raise and then some. So the government gets to spend more while you hardworking taxpayers at home actually have less money to spend.

That is unsustainable. That can't continue. And so we propose that there be a limit on the spending of government, that from year to year it can't increase spending faster than your income increases.

Second, you have the right to know when you pay taxes for Social Security that they are used for Social Security. That doesn't seem like that strange a concept. Your Social Security taxes are supposed to go to Social Security. When you pay for a driver's license at the DMV, that is supposed to go to provide your driver's license. When you pay a fee on a boat or something, that is supposed to go for boating. It makes sense that when you pay a tax for something it goes for that. But that isn't what has been happening with Social Security. Those taxes have been lumped in with everything else and used for whatever, and that is just wrong. So it should be used only for Social Security.

Third, you have the right to a Tax Code that you can understand and that is fair and that is simple. Now, I am actually a CPA, Mr. Speaker, and I have a Master's in taxation. I used to prepare tax returns for a living, that is because it is not an easy thing to do, but it should be. So what we have proposed is that the Tax Code, the current labyrinth, this Byzantine Tax Code that we have, these sunset; that means it ends, it quits, we repeal it as of January 3, 2011. That would give us 4 years, Mr. Speaker, if you include this year, in which to come up with an alternative, an alternative that is fair and simple and understandable.

You know, taxes are supposed to raise the necessary revenue to fund the government's necessary operations with the least interference with commerce. I think you could argue that the Tax Code that we have today raises more revenue than what the government needs to do, what the government should do—not what it is doing, but what it should do—but it does it with a tremendous interference with commerce. So we would propose to sunset the Tax Code.

And the fourth right in the American Taxpayers' Bill of Rights is the right to have a government that balances its budget the way that people at home balance their budgets every year.

Now, as I started out in this comment, 34 of the last 38 years, this government has been unable to balance its books. Can you imagine if people at home, average American taxpayers, went 34 out of 38 years spending more money that you had, spending more money than your income? You wouldn't have lasted very long, and the government shouldn't have lasted very long either. So we propose a constitutional amendment to balance the budget and to provide that you can't raise taxes without a two-thirds vote of this body and of the Senate.

Now, a lot of people out here talk balanced budgets. I bet if you asked the 435 Members of Congress if they were in favor of a balanced budget, that 435 people would say, ''yes,'' they are. Well, that is great because we have had statutory balanced budgets, we have this scheme today that the majority party has put, called PAYGO, which is a complete sham, but it is supposed to be an argument that it is somehow a balanced budget. Well, you know what? If we really want a balanced budget, a constitutional amendment requiring a balanced budget will absolutely do it.

So now let's ask those 435 Members of this body, okay, you say you want a balanced budget. Well, then you ought to support a constitutional amendment to do it because that is the way it will really get done.

Four rights, four simple rights in the American Taxpayers' Bill of Rights that, put together and enacted into law and the Constitution, will put the constraints around Congress to keep spending under control so that the freedom of the taxpayers is enhanced.

I yield back to the lady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from California and for his work in chairing our Budget Committee in the Republican Study Committee. And again, house.gov/Hensarling/rsc. E-mail us at rsc@mail.house.gov.

And it looks like the final word we can slip in here is the gentleman from New Jersey (Mr. GARRETT), who is a member of the Budget Committee and continues to work on fiscal issues for the betterment of this great Nation and of our American families.

I yield to the gentleman.

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Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate that, and I will leave the final word to the gentlewoman.

I just wanted to come to the floor to commend your work here today and the press conference that we had earlier today and the work of the RSC on this matter.

As was indicated earlier, the soothsayer said to Julius Caesar ''Beware the Ides of March.'' And that is exactly where we are right now, the center of March. A time of doom, a bad omen in many ways. And it is a bad omen for many Americans because many Americans across this country right now are sitting at their kitchen tables or their dining room tables getting all their paperwork together to do their taxes. Actually, I don't know how many Americans still do their own taxes. Many people actually pay now to send it out to some of these accountants out there, that you were referencing before, to do them, because it has gotten just so complicated. It has gotten just so incomprehensible.

Earlier today we saw the little stacks of books of the regulations and the Code that is made up of the incomprehensible regulations. And that is why Americans can't understand the entire Code. And for that matter, and I raised this question earlier, I think it would be interesting if someone did a survey of all the Members of the Congress and the Senate, 535 Members of the House and Senate. These are the people who actually made that Tax Code. How many of them actually do their own taxes anymore? I don't do it anymore because, quite honestly, I find it incomprehensible, as well, and I send it off to an expert.

The initiative that we are all pushing here tonight is to say that it has gone far too long to have an incomprehensible Tax Code. We can't be sure that we are paying a fair amount if we don't

know what we are filling out. So what we are doing here is not only citing the problem, but setting the road to recovery of that problem as well by coming up with a comprehensible system of paying our taxes.

While that is incomprehensible, how you fill out your taxes, what is not incomprehensible is the fact that we have been paying and spending far too much in the Federal Government for far too long. The American family realizes that they have to live within their means, that they have only so much of a paycheck each week and they have to make sure that that goes as far as their expenses, and they can't spend any more than that.

The Federal Government, as we know, does that every day, spends far more than they take in. That is what the American public doesn't understand. If the American public has to live within their means, why doesn't the Federal Government have to do so? The initiative that we are talking about here would say, balance our budget, be just like American families at home, and live within our means.

The final point is this: We have talked in the past, also on this floor, with regard to ethics, and I may be wrong but I think it was in an article in The Washington Post that said, why are we exceeding our spending and why do we have these ethical problems on K Street and the like? And one of the reasons they said, and this references the point that the gentleman from Iowa said before, is because we exceed our constitutional authority, as Mr. KING was pointing out; that we spend in areas that the Constitution never permitted us to do in the first place.

The Washington Post article made the same reference. If we live within our means, live within the constitutional boundaries, we would meet the objectives of the American family.

I see by the clock on the wall we are coming to the end of the time. And I appreciate the gentlewoman's work in this area.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from New Jersey and I thank all of my colleagues for joining me.

The American Taxpayer Bill of Rights, this is something we are pushing forward to the forefront. Over the past 60 years an enormous bureaucracy has been built. Our Democrat friends continue to want to feed that bureaucracy. We say, it is time for the spending, it is time for the increased taxing, to stop. They had power for 2 days when they raised your spending. They had power for 2 weeks when they raised your taxes. The American taxpayer deserves a break.

House.gov/hensarling/rsc, the fiscally responsible Republican Study Committee has proposed the American Taxpayer Bill of Rights.

OVERSIGHT AND ACCOUNTABILITY IN GOVERNMENT

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 60 minutes.

Ms. SUTTON. Mr. Speaker, it is my honor to be here today with some of the other Members who were newly elected just a few months ago. And, boy, it was a few months ago, but we have been making strides. And we are here to report to the American people the steps that we have taken to increase the oversight and accountability of this government.

I am sure that, like many of my colleagues who were elected, one of the reasons I am here, I came to Congress to clean up the culture of corruption that had so flourished under the Republican leadership in previous Congresses. And to that end, on the very first day that I was here, it was my honor to proudly cast a vote to end an era of corruption in this Capitol and to begin to change the way this Congress is doing business. To make it such that this Congress begins to enact policies that benefit the American people rather than just the special interests and the privileged few.

We took aim at the corruption and the abuses because it was a necessary prerequisite to creating policies that benefit all Americans. And people were tired. People were tired back in Ohio.

I have the privilege to represent people who are the salt of the Earth. But we saw both at the State level and the Federal level scandal after scandal. Scandals of public officials being bought off by special interests, public officials abusing power, and Republican leadership and officials neglecting to provide oversight.

Democrats, in the very first hours of this new Congress, they severed the links between those who would buy influence on Capitol Hill and those who would, unfortunately, willingly sell it and create and facilitate this culture of corruption that the American people have had to suffer under. We acted to clean up that corruption that eroded the public trust and resulted in far too many policies, as I said, that just benefited the few at the expense of the many.

We have begun and we have continued to restore oversight and accountability since that first day in our government through hearings and greater transparency, through initiatives that we have enacted and we continue to enact. And this strong congressional oversight in the 110th Congress has dramatically reversed years of neglect of the constitutional role of the Congress in providing oversight of Federal activities.

The American people have had enough. They have suffered enough from the lack of oversight. And I am so happy to be here with my new colleagues in this role to clean it up.

Just to name a couple of things, and then I am going to pass it off to some of my freshmen colleagues, but if we just go through a list and you can pick up on any of these subjects because, sadly, there are so many areas where the past Congress had been delinquent, and we have already had to move to act.

The war in Iraq, between the House and the Senate since we took the leadership in this body, since we became the majority under the leadership of Speaker NANCY PELOSI, there have been more than 97 oversight hearings that have looked into the conduct of the Iraq War. And certainly that was something that the American people made loud and clear, when they elected this new majority, that they desired.

And, sadly, in the wake of revelations of inadequate care and conditions for wounded soldiers at Walter Reed Army Medical Center, both the House and the Senate have launched investigations and hearings into those matters.

We are also looking at the political ramifications of actions taken with U.S. attorneys and the linkage of improper phone calls from Republican Members of Congress and senior staff that forced resignations of those U.S. attorneys.

The Hurricane Katrina response, we heard a lot right after the hurricane, after we saw the tragedy, not just the natural tragedy, but the tragedy in the lack of response of this government; and we heard a lot about how we were going to take that seriously from the last Congress. And now, because they didn't do that, we have been called upon and we have answered and House committees are looking into the housing and health care crisis that persists after that bungled response to the gulf coast disaster.

And we are also looking at and addressing the many aspects of the climate crisis and our dependence on nonrenewable fuels from foreign sources. Investigations, hearings, initiatives that are long overdue. And, of course, there are many, many upcoming hearings.

And at this point what I would like to do is, I would like to yield to my friend from Minnesota, Representative ELLISON, to hear what you think about some of these things that we have been doing in this new Congress.

Mr. ELLISON. Congresswoman SUTTON, it is a great honor to be here with you tonight together with our other colleagues in the freshman class who will be speaking in just a moment because I think it is important that the American people know that the freshman members of the Democratic Caucus came to this Congress, not to occupy space, not to warm a seat, but to create positive change for the American people, to project a vision, a vision of inclusion, of a generosity of fairness, a vision that says that this economy should be one where everybody can be successful.

This government should be one where everyone has access, not just lobbyists

and the privileged few, a system of government that people can feel proud of and not have to be worried that privileged individuals might be lining their pockets at the expense of the American people.

We came here on November 7. We were elected here by the American people because the American people, the finest people, have the right to feel good about their government, not cynical, not despondent, not despairing, but good and positive, who would say, Do you know what? I trust my government. I feel that my government is doing the right thing. We can do no less than to take up that charge.

We have to say the American people have a right to feel that their government is operating for the public good and in their best interests. And to that end, I am proud to be associated with this Democratic majority that from the very beginning began to signal change with the 100 hours program. The 100 hours program is not all that we are going to do, but, Mr. Speaker, we had to tell the American people that we are about business from the very beginning. We had to signal change from the very beginning.

We had to let them know that we care about the affordability of a college education by cutting student loan interest rates; we care about our seniors by making sure that we get a prescription drug benefit that actually helps our seniors by allowing Medicare to negotiate.

We did a 100 hours program that said, we are going to raise the minimum wage; we are going to stop the oil and gas subsidies and put the money into renewable energy. We had to signal change.

That is not all we are going to do. We are just getting started. But we had to do something soon, something quick, something early, in the very beginning, so that the American people will know that we are putting money on the table. This is an earnest commitment to the American people to do real government, real change that they can feel good about.

So what I want to talk about very briefly tonight is how important it is and how happy I am that the Democratic Congress has taken steps regarding this scandal about the U.S. attorneys. The United States attorneys are members of our government under the executive branch whose job it is to do good, to promote justice. They are ministers of justice. They are not just lawyers who are entitled to advocate for their clients. Their job is higher. Their job is to do the right thing. Neither fear nor favor should influence them. Neither concern about their job nor worry about who is not going to like it should influence their behavior. They should enforce the law and protect the American people.

So when it came to light that U.S. attorneys that had had good recommendations, eight of them, were summarily fired with no explanation, and then when the explanations did come, their reputations were besmirched—they said that they were not good workers, that they were not good employees of the State, not carrying out an excellent mission for the people of the districts that they were charged to represent—I think people started getting a little nervous. Wait a minute. Why besmirch these people? Why put them down? What have they done that was wrong?

And what we began to find as the common thread between these U.S. attorneys is that these individuals, though Republican appointees, took their charge to promote respect for law and took their charge to protect the American people seriously. And some of them prosecuted corruption cases, and that brought them into disfavor with the administration.

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As the facts just keep on leaking out, they don't look good. They don't look good. It appears, it appears that political decisions were brought to bear in this scandal with regard to the U.S. Attorneys. In fact, one of the U.S. Attorneys was one of the people who prosecuted Mr. Duke Cunningham, and somehow ended up getting fired. My goodness. Don't we want to get rid of corruption in government? Don't we want a clean government? Why would you bring the hammer on somebody who did that, unless you didn't necessarily want the even hand of the law to be applied, you wanted it to be tilted one way or another. Justice must be blind, Mr. Speaker.

Then what else did we see? One of the calls that was made from as high as the White House was that these folks are not going after immigration cases or going after voter fraud cases enough. Wait a minute. Doesn't the prosecutor make decisions? Isn't prosecutorial discretion a hallmark of our legal system? Wait a minute. These people are charged with protecting us from drug dealers, killers, bank robbers and people who commit acts of terrorism.

These people are charged with protecting us from defrauders, stealers, thieves, embezzlers, and yet somebody on a political basis is trying to force them to focus in one area or another? They have finite resources to prosecute the cases and protect the people. They have to make a determination as to what is most important to protect our seniors from identity thieves, to protect our neighborhoods from drug dealers and meth makers. And yet they were put under scrutiny and fired, it appears, and the evidence is still coming in, because they wouldn't play ball with people in the administration.

This is scary business. This is not a good thing. And it goes to the very heart of restoring accountability to Washington. It goes to the very soul of whether we have a fair justice system and whether justice is blind.

Mr. Speaker, I am very concerned about that, and I want to urge the American people to continue to insist that all the facts come out. We have to know. Justice must be served, and it must be served with these U.S. Attorneys, because if the people whose job it is, the ministers of justice, cannot be comfortable in doing their work, then what can the rest of us who need their services expect?

Let me just make one point, and this has to do with the questions around the prosecution of Mr. Scooter Libby. He was found guilty of four out of five counts just last week, and we hear there are linkages to the Vice President. We hear many people are calling him a ''fall guy,'' signaling there may be more people involved.

I think that it is very important that if we are going to insist upon accountability in Washington, that there be no pardons. I am very concerned that there could be a pardon in this situation that would render him not willing to tell all that he knows.

We need to know how bad this thing is. In the U.S. Attorney issue we found out it was Harriet Miers, the very person the President wanted to be on the United States Supreme Court, who said fire them all.

It is very important we get to the bottom of this, because, as I started with, the American people have every right to know what their government is doing and to trust in and feel good about their government. It is not a question of public relations, it is a matter of substance.

So I will yield back to my colleague, Congresswoman BETTY SUTTON, who has been leading us in so many excellent ways, who has been doing such a fine job, and with whom I am so honored to be associated in this Congress. We have other excellent Members joining us tonight and they are going to tell the story. I just want to say I am proud to be associated with these majority makers, these difference makers, these people who believe that the American people have a right to believe in their government, and the only way to do it is to restore accountability to Washington.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman from Minnesota, and I thank him for his service on the Judiciary Committee. I think it is with heartfelt appreciation, not only on behalf of myself, but on behalf of the people that I represent, that I am grateful that you sit on the Judiciary Committee, where you are going to provide the oversight and the accountability on the issues that you brought forward here tonight.

You are right, that there is nothing more important than restoring the trust of the people we represent in this government. And it is not the end in and of itself, but it is essential, to both the substance and the spirit of what we do. The corruption has hurt the American people in so many ways. So this oversight and accountability is sorely needed, long overdue.

With that, I would like to recognize another distinguished gentleman from

the State of Minnesota who we are honored to have join us this evening, a new Member of Congress, somebody who came here to change the direction of this country, to take us in a new and positive, honest direction, Mr. TIM WALZ. What do you think about all this?

Mr. WALZ of Minnesota. First of all, I thank the gentlewoman. I thank you for your leadership. I thank you for your optimism. I thank you for your service to our country and all of our colleagues here.

Every time we come and stand on this floor, it is an overwhelming feeling. It is an overwhelming sense of the greatness of this Nation, as well as the responsibility that goes with standing here. Each and every one of us represents over 600,000 Americans. Their hopes and dreams rest on what we do in this building. This is the most serious task we can ever undertake.

As we talk about restoring accountability and restoring trust, nothing is more important. Nothing shapes this Nation more than what we do here. And as we reflect the great values that have made America the country that it is, we need to make sure that it is being done in the way that the Americans want it to be done. They don't care about the partisan ideology. What they care about is results.

I hear a lot of talk that actions are what matter. I watched for the last hour as our friends talked about a very important subject across the aisle before we came on. They talked about fiscal responsibility. They are absolutely right, that is something that must be restored. This Nation's hopes and dreams and the investments we make in our children and grandchildren are going to be largely determined by how we handle the fiscal responsibility put on us.

The only thing I find curious about the discussion is that our friends are so convinced that nothing works in here they seem to have forgotten to mention that they have been the majority party for 12 years. They seem to have forgotten to mention that they had the executive branch for the last 6 years and both branches of Congress.

During that time, we saw record surpluses turn into record deficits. We now have a $9 trillion national debt. We have seen the largest growth in government in a generation. And we have seen services provided to the people shrink and fees increase.

So I guess, coming from a high school classroom, sometimes I said it is always very important, those actions matter. Everyone wants to do well and everybody wants to talk about it, but what happens in here truly matters.

We have seen the culture of corruption. What I call it is the permanent vacation that Congress was on. Most people realize that the past Congress worked the fewest number of days since the do-nothing Congress of 1948. While we were passing the 100-hour agenda and the things you heard from our friend from Minnesota, all of the things that we accomplished, the previous Congress met for one day in January of 2006.

There is a stark contrast here. You are absolutely right. We were sent to this floor to do the people's bidding, not in a partisan manner but in a way that was open, accountable, transparent and actually got the results that we were looking for.

I wanted the opportunity tonight to come here and illustrate a couple of things how we are doing business differently, how things have changed in Congress and how these things are tangible, and I am going to bring a couple of these that are very near and dear to my heart.

One is about a project back in my district, if I could, Congresswoman, illustrate this just for the people. I will give a little background on it. Because this project had the potential to be the single largest taxpayer loan to a private entity in the history of this Nation, and most people, even in my district, until it was brought to light, knew almost nothing about it.

There was a railroad that came from outside the State of Minnesota that was planning on doing that was very important, building rail infrastructure. All of us agree in southern Minnesota that it is needed. We need to move our commodities to market, we have a burgeoning ethanol industry that needs to move our product, and we also have the need to move coal and other commodities on this railroad.

Well, this railroad tried for nearly a decade to try and secure private financing for this project. It failed to do so. Late in 2005, a program to give loans to railroads all of a sudden found an extra $32 billion in this program. It was written in by a Senator in the middle of the night in conference committee with specific parameters that would only apply to this railroad to get this loan.

This was done in the dark of night. The finances were kept private and out of the public eye, and the decision was going to be made after that conference committee by a set of appointed officials at the Department of Transportation.

Now, that in itself is bad enough in the culture of corruption. But it gets worse. Nine months prior to that Senator writing that in there, that Senator was a paid lobbyist, and as hard as it is to believe, for that very railroad. He is elected to the Senate and he puts this in here.

No one is doubting that we need rail. What this situation did and what it illustrated perfectly was when government is done badly, no matter what the intention was, it starts a domino effect of distrust and bad decisions.

This railroad was going to increase rail traffic up to 36 coal trains a day possibly, one mile long, and it was going to run by the single largest private employer already in my district, 210 feet away. That private employer was the world famous Mayo Clinic. Decisions were not allowed for mitigation, decisions were not allowed to make sure the impact and the safety of the thousands of patients that traveled were addressed. This was a case of special interest and their lobbying friends allowing something to happen that the people of the district had very little say in.

I was told all along, it is the railroad and it is the way it is. There is nothing you can do. They are going to be approved for the loan and they are going to start building.

My question was that I refused to believe that this body would allow that to happen. I refused to believe that the public's elected official for their district would not have the opportunity to see the financial situation of the railroad, as well as the safety, which, by the way, ranked 43 out of 44 in safety, with one being the best.

So upon coming to Congress in January, working bipartisanly across the aisle with our friends, I put forward a bill that would ask that this be evaluated for credit, that this be looked at and see what the finances were, and see if the American people's money was being put at risk.

To put this into context, when Chrysler needed to receive a government loan to stay afloat in the early 1980s, this loan was over twice as big than that. That loan for Chrysler was debated for 3 weeks on the floor openly before it was finally voted on and strict requirements for its payback put into place.

Well, I am happy to say that the Federal Railroad Administration and the Department of Transportation looked at those finances again and determined that this was not creditworthy and was not worthy of a risk to the American taxpayers.

Now, to ensure that this never happens again, we have taken it one step further and passed a bill that Congress must cosign. If we ever try and do this again with $1 billion or more of taxpayer money on a Department of Transportation loan, it is going to come in front of this body and we are going to get a vote and we are going to ask the questions. Is there a need for public investment into our infrastructure? Absolutely. Is there a need for expanded rail travel? Absolutely. Is there a right of private business to come to the government looking for some help so that they can build that infrastructure and profit? Absolutely. But it must be done in the light of day. It must be done with the approval of the American people's elected representative so that they can have the ability to decide if it was right or if it was wrong, and they will decide that in the way they vote in 2 years.

So, within 2 months, this Congress is starting to take those responsibilities. They are starting to ask those questions and we are starting to see progress. I can absolutely assure you, and I may never be able to prove this,

but I had to think had there not been a change to Congress, had there not been a new focus on trust and accountability and a new way of doing business, we maybe would have never seen the light of day on this.

So the people are served well, we have the people's interests at heart, and now we can move forward with a much more responsible plan.

So I applaud the Congresswoman for bringing us together. I know we each have several more opportunities to illustrate these. But I hope this one shows the American people, this is not a partisan issue. This is common sense. This is right and wrong. And I applaud those Members on the other side of the aisle that came to us and said, you are absolutely right, this is the way it should be done.

I yield back to the gentlewoman.

Ms. SUTTON. I thank the distinguished gentleman from Minnesota, and I thank you for your leadership, and for that example of how public policy can work for the people, that it doesn't have to be the way that it has been. You point out an important point.

□ 2100

In the first 100 hours, when we took steps to clean up some of the unfortunate practices that have happened in the past and to change some of the resulting policies or the failure to enact some good policies, when we actually brought those measures to the floor under this new Democratic leadership, we did enjoy broad bipartisan support for many of those measures.

This is not just a Democratic agenda, this is about the people's agenda. That is what this House is about. I am glad, with the leadership we have, we are now getting the people's agenda on this floor so that people from both parties have the chance to deliver the kind of public policy that will help the people they are sent here to serve.

At this point, I would like to yield to a new Member in this Congress, a tremendous leader, a woman who has shown unwavering dedication and commitment to the people she was sent here to serve, Representative SHEA-PORTER from the State of New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I was interested in hearing from Members on the other side speak about the money we needed to save and the debt we have, because it was the Republican administration that drove us into the greatest deficits in history. Indeed, they are the reason I am standing here today.

I am a social worker by profession, and for years I noticed things were getting worse and worse for the middle class. I kept saying the middle class is stumbling and the poor have fallen, because while the very wealthy were enjoying the tax breaks, thanks to this administration, the middle class was trying to figure out if they had enough money to go to the movies on Friday night and have money for pizza. Indeed, this is the first time we have seen this great, great difference in the rich and the poor since the time of the Titanic. Wages have been flat for several years now.

The American public understands this. This is not a Republican issue, it is not a Democratic issue, it is an issue about protecting the middle class, building the middle class, and bringing the poor so we do not have a permanent underclass in this country. The way to do that is to make sure we have a fair tax system, and we have to have accountability and oversight to make sure that we do.

We know that the tax breaks have gone to the top 1 percent for too long. So this drove me to Congress, looking at this; and the final, final nail in the coffin was looking at what happened after Hurricane Katrina because even if the administration could not find it in their hearts to take care of the people of Katrina, where was the homeland security?

When you look at Louisiana, you realize there is a port there. Gas and oil are there. Our food, our grains come there. Seventy percent of the grain passes through there. Certainly that is a vulnerable area. We heard that we were spending all of this money for homeland security and for programs to protect the American people. But when Hurricane Katrina hit, the American Government was missing in action with the exception of our military, and I give them great credit for what they did.

I know this because I went there not once, but twice. It was very frightening to see that the Federal Government was missing in action. And then the extra insult of having to listen on television while they were praising each other for the good job they did. They didn't bring the resources to the American people. They didn't have the money to bring the resources to the American people.

Where is the money? That is why we are here in Washington, to find out where is the money for the programs that the American people need, that we must have to protect us.

I looked at Iraq. I went there a couple of weeks ago. I looked at the contractors there personally. There are more than 100,000 contractors in Iraq for 133,000 soldiers; some more now, we had over 100,000 contractors.

The American public knows this word so well, Halliburton. The American people understand what has happened to the money. Every child born today has a birth tax of about $29,000. Think about that. We went from a budget surplus to the greatest deficit in history, borrowing money from Communist China along the way to pay our bills, which is a security risk that all Americans understand, and every child born today owes about $29,000 before he or she draws their first breath. This is an outrage, and we need to turn this around.

Like the rest of my freshman class, this propelled me to run. I had never even run for office in elementary school or high school. I was a social worker. I taught politics. Yes, I got involved in politics, but never envisioned myself here. And it is a tremendous honor to be on the floor and to be able to protect and speak up for the American people.

But we have an obligation to, first of all, provide programs that lift the poor and the middle class, to make sure that the wealthy pay their fair share; and we have an obligation to be fiscally conservative, and we can do that by good fiscal oversight and accountability. That has been missing for many years.

We are having more hearings now looking at various aspects. I serve on the Armed Services Committee. It was a shock to me to find out that we did not have the equipment we need and that the soldiers were suffering so.

Again, we can talk about Walter Reed. We had a week last week about that. Who could leave a soldier in rooms that had mold? Who could leave soldiers unattended and untreated? If we are going to honor our soldiers, we need to honor our commitments to the soldiers, and it is not right to say if we can afford to. When we put them into battle, we make sure that our commitment will be to care for them. Once they say they are going to serve us, it is our obligation to serve them.

It is truly an honor to be here and to be able to be working for the people of my own State, New Hampshire, and the people of this country. It is an honor to be here with such wonderful colleagues who are driven by one motive, and that is service and patriotism.

We were campaigning over a year or 2 years. We heard the message loud and clear from the middle class that they needed protection. They needed protection from policies and this administration that protected the wealthy and harmed the middle class. They wanted their children to be able to afford college again because that changed. They wanted their children to have the opportunities that they had growing up.

Even rents have gotten so high and with wages so flat, adult children have to come home to live with their parents. This is not the American way. The American way is to be fiscally responsible and to make sure that opportunities are available for all.

I think we have a terrific class with wonderful leadership. Speaker PELOSI certainly understands the direction this country needs to go in. We will do the job that the American people sent us here to do.

Ms. SUTTON. I thank the distinguished gentlewoman from New Hampshire, and I appreciate your service, as do the people I represent, and your leadership.

You bring up so many important points. The bad news is that so much has gone wrong in the past due to the failure of proper oversight and accountability. The good news is that, as

you point out, we heard the call of the American people for more. We know what the expectations are, and we know what our responsibility is. And every day I am honored to come here with you to serve, and knowing that that is why we are here in the people's House, to help make those course corrections that will take this country in a new direction.

It is so important to be here tonight to talk about that oversight and accountability because it is essential if we are to make those course corrections, whether it be one of the points you make about the growing income and inequality, which is at record levels. We are losing the middle class. There are many, many things that we can do and we have already done, and we have talked about some of them today in the opening hours of Congress when we increased the minimum wage, when we made college education more accessible and more affordable, when we expanded research and development into alternative fuels which will provide us not only with a way to deal with an environmental imperative, but also as a security issue we have to address that, and our dependence on foreign oil.

Also, it provides us with opportunity for jobs today and tomorrow for the people out there because one of the other ways that Congress can show its oversight and accountability commitment, and I expect that we will because we heard a lot about this on the campaign trail from the American people, is on the issue of trade because we are losing jobs and our trade policies are not working for the American people and American businesses in the way that they should.

So I am confident that one of the things that we are going to do is exercise our constitutional responsibility to deal with trade and make sure whatever trade model we have—and we are for trade, and I hope to get to the day in the early days of this coming Congress, or later on in this Congress, that we can vote for a trade policy that will truly lift up American workers as well as workers abroad, and that we will be able to vote for a trade policy that has environmental standards that benefit America and this world.

There are so many options that we can do. There are so many things that we can do. We can have a trade policy with enforceability to stop the unfair manipulation and unfair trade practices. These are all matters of accountability and oversight, and this Congress I know is committed to producing that.

Now I want to again yield to my good friend, the gentleman from Minnesota, because another point that the distinguished gentlewoman from New Hampshire brought up was the issue of our veterans and what we are doing and not doing to serve our veterans who have served us so nobly.

So I yield to Representative WALZ who has some charts that he is going to share with the American people.

Mr. WALZ of Minnesota. Mr. Speaker, I think it is important to illustrate to the American people exactly what we are talking about when accountability and oversight fail. There are ramifications. Some may go unnoticed; others are absolutely horrific.

In the past several weeks, we have seen one of those examples. And the sad part is most people were not surprised. Most people have looked at this issue.

I want to talk about accountability and oversight. This Congress and our leadership are making sure we get our job done here. They are working us 5 days a week most weeks. My constituents back home, they don't have a lot of sympathy when they hear we are working Monday through Friday in the Capitol. That is what we were elected to do. That is what we were hired to do in their name.

I hear my friends on the other side of the aisle talk about, what do we have to do the whole time we are here? We are not voting the whole time, and the answer is, do our job providing oversight and accountability. Keep in mind, the entire last Congress had 30 oversight hearings. In the first 8 weeks, we have had 100.

Getting the job done for the American people means acting as a coequal branch in the responsibility of being fiscally responsible with their money, putting policy forward that benefits everyone, and making sure that the follow through is done on that.

I want to mention something as it pertains to our veterans and let people understand where this starts exactly. Make no mistake about budgets, budgets are far more than accounting. We hear our friends on the other side of the aisle talk about accounting and putting money in Americans' pockets. They talk about they have never met anyone who did their own taxes.

Well, I came to this Congress straight from the public school classroom, never having run for elected office before. I was teaching high school geography a few months ago. I can tell them on a high school teacher's salary, I was doing my own taxes.

And when they talk about a budget in terms of only being what is left in the pocket, they forget that budgets are moral documents. They are a reflection of our national values. How we prioritize those values is an absolute reflection of what we believe is most important in this Nation.

Now, I also come to you not just as a teacher but as a 24-year veteran of our armed services and our Army National Guard. I think the highest distinction that I could ever claim—at this time, I am the highest ranking enlisted soldier or servicemember that has ever served in this exalted body; it is something that I am very proud of.

Those people who know something about the military, I retired as a command sergeant major. The command sergeant major has one responsibility: Take care of the troops. Nothing else. That means feed them, clothe them, pay them, make sure their health is taken care of, and train them to complete their mission. That's what you need to do.

Well, I am now a member of the Veterans Affairs Subcommittee on Oversight and Investigation, and what has happened at Walter Reed and what is going to happen again is not an anomaly. It was a decision. It was a decision that resulted from a failure in leadership and a bigger failure in accountability and oversight. And the saddest part about this is, the saddest, most tragic part about this was, it was totally avoidable.

Our veterans' service organizations, from the DAV to the Paralyzed American Veterans, to the Blind Veterans of America, to the Legion, all of these organizations understood what was coming.

□ 2115

I would like to just talk a little bit about, and illustrate, how the budget impacted what happened and how the lack of leadership and the lack of accountability led to that.

The chart I have up here is showing this is the VA treating many more Iraq and Afghanistan war veterans. Every soldier who serves in these wars will, one day, be a veteran. Now, it does not come as a surprise to most Americans, since 2003, when the war started in Iraq, we have seen a steady increase in the number of soldiers that are going to be treated. Seems pretty logical. Most people anticipated that was going to come.

The number of VA health care patients in general continued to rise. We have an aging generation from our World War II veterans to our Korean War veterans to our Vietnam veterans. They are continuing to rise at a steady rate. Every single veteran service organization predicted this. Every single person involved with this predicted this.

Now, we are finding out we have not had enough money. We have not correctly planned ahead to take care of the warrior after the war. When you choose to fight a war, and make no mistake about it, Iraq was a choice, you understand you accept full responsibility for those warriors, not for the time that they are there, not for the time they are treated in a facility like Walter Reed, but for the rest of their life.

In falling short on this, here is how we are going to make up for it. If you will look at our copy here, enrollment fees, pharmacy copayments and third party copayments. This says up here, the President's budget increases fees on veterans. Make no mistake about the language. This is the President's tax on warriors, period.

So we saw a situation, increasing number of veterans coming back, budgets that were grossly underestimating the number, that we would need to try and spend the money elsewhere or

maybe put the money back in somebody's pocket. When I go to my district, and I ask them the question, do you want a few more dollars in your pocket or do you want to make sure that warrior has a room that shows the dignity that this Nation should provide, and every single one of them will go with the veteran.

We must have an open debate in this Congress about accountability, where is this money going to go, where is this money going to come from, and I want Members who agree with this, that this is the way we should do it, to stand in front of the mother from Saginaw, Michigan, who was at the VA hospital in Minneapolis, treating her son with a traumatic brain injury, and tell her she better get the checkbook out and write it out and pay for this because that is exactly what has happened here.

When this Congress chose to not hold hearings, to not hold oversight, and to not ask the hard questions, they created the situation at Walter Reed. They created the coming situation on our VA system, and this new Congress has accepted the responsibility and I, as a command sergeant major, retired, stand here and say my responsibility was to take care of those soldiers in my unit. My responsibility now is to take care of all of them.

I have absolute confidence in my colleagues that they will provide exactly that. That is what accountability means. That is what oversight means. It is not a gimmick to get reelected. It is not cute words, and for those that say it is hogwash and pay-as-you-go does not matter, I tell them this is what matters. Decide how we take care of our veterans and let us do it the way this Nation knows it should.

I know we have a few more things to go over, but this illustration is one that impassions all of us. It is one that did not need to happen, but it is one that I am optimistic holds the silver lining of uniting this Nation over an issue we all care about and getting real results.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman, and we thank you for your service both in the Congress and in our military.

At this point, I yield to another distinguished colleague who has joined us on the floor who is a fantastic new Member of the Congress, who has shown great leadership on many issues, Dr. STEVE KAGEN, a representative from Wisconsin.

Mr. KAGEN. Mr. Speaker, thank you and I thank as well TIM for being not just a classmate in this great class of 2006 but also for serving the country and speaking out so eloquently and forcefully. You do not have to work out later like I do. You just had your workout.

But you bring up something that is terribly important. These are not just words or phrases. The boards are accountability, responsibility. This is something that you know from living your life as you have that we must do not just here in Congress but in our everyday lives as citizens.

I am sure you would much rather be home teaching and serving your country as you were, but you were called to a higher duty. You were called to come here, and it was meant to happen.

I would like to mention a few things about values. I believe that the President has put forward a budget that is a reflection of his values and his party's values. Where you spend your money is a reflection of your values, and the President sought to cut $3.8 billion from veterans health care and veterans benefits. The President and this administration was asking our veterans who have already earned their benefits to pay for them again. Why pay for something you have already earned? This is something that I consider to be disrespectful to those who have served in harm's way.

We will be talking about Iraq in several days and several weeks here on floor. We will be talking about supporting our troops, not just before they go in with adequate training and preparation and all the armament they need, not just during the combat itself, but after they come home, they must receive the care that they deserve in a prompt and meaningful fashion.

I served our veterans for a number of years in VA hospitals in Wisconsin and Illinois, and I can tell you the VA hospitals are superior, much better today than they were in the 1970s and 1980s and early 1990s when I was working there. They are much better than what we saw in Walter Reed, much better, but what happened at Walter Reed was this infection, if you will, this malfeasance, this bad idea, that government cannot help people. It is called privatization.

We should not privatize the health care of our veterans unless you are going to offer every veteran who served in harm's way with a card and say, here you go, soldier, you served in harm's way, you covered our back, now we have got yours; go to any doctor, any pharmacy, any hospital of your choice, we have got you covered.

Well, we are not ready to do that yet, are we? This administration has to come to understand there is a better way. Our class of 2006 represents America's hope, hope for a positive change and new direction, not just in veterans health care but in health care for every citizen in this country. I believe that is what we have to offer.

Ms. SUTTON. I thank the distinguished gentleman and both of you, the gentleman from Minnesota as well, who point out so eloquently the responsibility that we have when we put forth a budget.

I am honored as a freshman Member of this Congress to have the honor to serve on the Budget Committee, and while I am grateful to be there because we have the chance to realign the budget that came to us from the administration, I must say that when it came over, when it failed to provide the resources that we need for veterans health care and asked our veterans to pay more for their health care, it was a great disappointment.

But the reality is, because we are in a fiscal mess, because of years of irresponsibility, failure to provide oversight and accountability, even though we have limited resources because of that, I know that this class and this Congress is committed to realigning the money that we do have to ensure that we do, Mr. Speaker, that we do provide our troops what they need when we send them into any mission on our behalf and that they have what they need after they return.

Our commitment to ensuring oversight and accountability is going to be an ongoing mission because it is an ongoing responsibility. It is, in fact, the very essence of what our congressional duty is, to be that check, to ensure that which we enact and that which is done from the administration comports with the needs of the American people, and we will do so in an honest and open way.

We have heard about some of the steps that we have already taken, the first step, to restore trust, openness and accountability in Washington. This week, we are going to take additional actions, and in fact, we have already taken some here on this floor today.

In this week, we have scheduled consideration or acted already on whistleblower reform. We are going to deal with that issue. We are strengthening the protection for Federal whistleblowers to prevent retaliation against those who report wrongdoing, waste, fraud and abuse. This is so essential to making sure that the safeguards that we need will result in the kind of a government and the policies and the contracting and the work of the people will be of such a caliber that we can be proud, and more importantly, the American people can be proud.

We are also providing for more timely disclosure of government documents, another good measure not only of good government but of accountability, that will pay huge dividends and allow us to ensure that we are acting wisely and responsibly.

We are also nullifying a 2001 presidential executive order and restoring public access to presidential records. The public has a right to know the public's business. This is another measure to ensure that.

As we talk about the need to fund veterans health care, how can we fail to mention at the same time we fail to meet that need, we have seen gross excesses of lack of oversight and accountability and money, literally being lost in Iraq due to a failure of proper oversight of those we contract with. Limits on how long Federal no-bid contracts can last will be enacted this week by this new Congress. We will minimize the use of no-bid contracts and direct agencies to justify any such contracts if they are awarded.

These are all important measures that we will take this week in order to

continue to fulfill our commitment to the American people to take this country into a new direction, one that will work for them and one that has their interests at heart.

As we come to the conclusion of our hour, I would just like to give my colleagues another opportunity to report what they would like to report in these closing moments to the American people. I yield to my good friend from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Speaker, I thank the gentlewoman from Ohio, and so eloquently put. It is a new opportunity in America. It is one of optimism. We have got a lot of work to do, but Americans always rise to the challenge in the time of the greatest challenge.

I think it is important to realize that this place we are standing, this sacred hall, this is the people's House. This is the first branch of government in the Constitution. This branch is coequal to the other two branches, and our duty of providing oversight and accountability is not something that we get to pick and choose on. It is our constitutional responsibility.

When I hear people entrust me, you will hear people in this very chamber start using the term ''micromanage.'' It seems to me there is a place where they dream up these words that they just keep repeating and repeating. Well, I can tell you what, micromanage, call it what you may, could be oversight and accountability also, and I ask my constituents, would you like a little oversight and accountability at Walter Reed? Would you like a little accountability on the situation in Iraq? Would you like a little accountability on what you hear on some of the things that are happening? And the answer is yes.

Sunshine truly is the best antiseptic. This new Congress has been here for 2 months, and there is a new way of doing business. It is the way that this country was laid out under the Constitution. It is the one that has served us best for over 230 years, and it is the one that we will continue to use that will provide the American people with the best government possible.

□ 2130

I thank the gentlelady, I thank my good colleague from Wisconsin for the opportunity to be here with you, and I look forward to many more opportunities to do the Nation's bidding the way it should be.

Ms. SUTTON. I thank the gentleman. At this time I would like to yield to my friend from Wisconsin (Mr. KAGEN).

Mr. KAGEN. I am very proud to be standing next to both of you and express a great deal of optimism. I was sent here from the great State of Wisconsin, some might call it Cheeseconsin. We are still the Dairy State. I was sent here because people felt they needed some honest leadership, leadership that wouldn't let them down, some straight talkers.

We are delivering that message here. We are delivering a message not just verbally, but in a work product. Take a look, if people around the hall here and at home across America will take a look at the work we have already produced, you will find we have been working hard, and the work is not done yet. I am absolutely convinced that by working together, we will build a better future for everyone in this country. Stay tuned to C–SPAN. We will be back and deliver a positive message again.

Ms. SUTTON. I thank the gentleman.

These issues that we have begun to talk about here, and we have begun to take action on, is part of our ongoing effort to restore accountability and trust in Washington. They are part of the mandate of the last election.

Together, we will build on this work throughout the 110th Congress, and as I wrap up here, I would just like to thank those people, those people that I have the honor to represent from the 13th District of Ohio from Lorain to Elyira to Akron to Barberton, I thank you for the privilege of serving you, and we shall be unyielding in our commitment to deliver on promises.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. BILBRAY) is recognized for 60 minutes.

Mr. BILBRAY. Mr. Speaker, it is an honor to present our report to the American people on the status of the immigration issue tonight, and it is an honor to be able to welcome you to the Speaker's chair.

As a new freshman, or as one of your first times up there, I want to congratulate you on your advent to service of the people of America as the acting Speaker tonight.

Mr. Speaker, actually tonight we are talking about an issue that a lot of Americans have asked for a long time to be addressed, and that is the many different ways that we are encouraging illegal immigration. But actually tonight, we are to be talking about one of the items that originally was not intended to be one of immigration, it was one to be basically addressing national security and neighborhood security.

For good reasons, Congress in the past, both Democrats and Republicans, have said that the movement of capital funds, of bank accounts, was a major issue in fighting things like drug trafficking, of terrorist activities and of other illegal activities to where the United States' Congress, with this support and the consent of the people of the United States, said that before somebody opens a bank account, before they start getting involved in business transactions with a lending institution, they need to show and prove who they are so we know who is moving this cash back and forth. The identification issue became critical to make sure that drug cartels and criminal elements and terrorist elements were not able to use our institutions of lending, of finance, as part of their terrorist and illegal activity.

Sadly what has happened, though, is we passed a law that said everyone must be identified. There are lending institutions that have found ways to get around the law and say that if somebody is able to get a phony ID from a phony government document, we will look the other way and use that to be able to open bank accounts.

A lot of this discussion is specifically about illegal immigrants being able to get these documents, because you have countries such as Mexico that are willing to give documents, ID documents to individuals without any proof of who they are. Thus, the document such as the consulate card from the Republic of Mexico isn't worth the paper it is written on.

What has happened is these institutions, these American institutions, are actually participating in business transactions that they know violates the spirit of the law and accepts phony identification as a way to be able to engage in business that otherwise would be illegal for legal resident aliens and U.S. citizens to engage in, because the rest of us are required to show viable identification.

At this time I have the privilege to recognize the gentlelady from Tennessee. At this time I would like to yield whatever time she may consume to Mrs. BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman from California, and I thank him for his insightfulness on the immigration issue.

He has done so much work in his service in this Congress addressing this issue and encouraging people to look at the issue, to learn about the issue and to realize it is more than just a surface issue.

I also have appreciated the fact that the gentleman has encouraged people to realize the compassionate thing to do in this is to make certain that we keep immigration legal and that we honor the men and women who have gone through the process legally.

That is important to do, and it is the right step. It is the compassionate step to make.

H.R. 1314 addresses the issue that Mr. BILBRAY mentioned and referenced as he opened his remarks about those that have entered the country illegally, getting access to our financial markets. Now, H.R. 1314 is the Photo Identification Security Act. This is a great piece of legislation. It is not a lengthy bill, it is one that I think everybody here in the House can pick up and read in 1 or 2 minutes. As you see, it is only about three pages.

What it does is something very big and very important, though, it closes a loophole that exists in the PATRIOT Act and the IRS regulations, and it is through that loophole that you could literally drive a truck. That is the

loophole that we know that not only illegal immigrants use, but sexual predators and identity thieves, those people that want to be anonymous, that need to be anonymous, that have to be anonymous to the legal system. This is what they are choosing to use to gain access to banking institutions, to wire transfer services from the Federal Reserve, the U.S. Treasury, the IRS. It is giving them the ability to sign up for credit cards, to get home mortgages, to obtain taxpayer identification numbers, which employers call ITEN numbers, and to transfer money from this country back to Mexico.

This is a difficult situation for our country, because we have spent a lot of time, effort and energy trying to seek out terrorist groups and those that would do us harm. We are spending a lot of time, effort and energy talking about protecting intellectual property and looking at money laundering and how those pirates are laundering money and sending it back out of the country, taking money out of our communities.

We are spending a lot of time routing out identity thieves. Certainly in my community I hear from so many people who have had their identity lifted. They have had it stolen. They have had somebody take that from them, and then these individuals want to go open checking accounts, they want to go open credit cards and run up the number, just swipe those numbers off that credit card, run it ragged.

Somebody pays the bill, and it always comes back to being the American taxpayer that is going to pay the bill for fraud and for misuse. Happens every single time, every single time. This is a very serious problem to the faith that people have in our governing institutions. It is a serious problem to the stability of our financial markets. But there is a solution to this problem, and it is H.R. 1314, the Photo Identification Security Act.

As I said, it is a very simple bill, and I will do three things. It says in order to access our nation's financial services, in order to do business with the Federal Government, you have to present one of the three secure forms of ID as recognized in this country.

Number one would be a Social Security card with a government-issued State or Federal government issued photo ID. This could be a driver's license, if you are from a State that complies with the REAL ID Act.

Then you have got number two, a U.S. passport or a foreign nation passport. That would be a passport that we recognize, that we have a reciprocity agreement with.

The third form of ID would be a US citizenship and immigration service photo ID card. Now, that would be your USCIS permanent resident card, permanent alien card, work card, green card. Simply put, you have to have a visa before you can apply for a visa if this legislation passes, and we are encouraging everyone to join us in this. We are encouraging everyone, both parties, both Houses, to sign on, let's close this loophole and close it quickly.

I was talking to one of my constituents about this problem after it had arisen, it was a banker, in rural west Tennessee in my district. He was excited that we were working on this bill and thrilled that we were going to be closing this loophole. He looked at it like this, he told me a story of a couple of his customers, they had worked at a local plant, both had retired.

Then they decided they wanted to buy a motor home, which they did, good customers at the bank, so they get the motor home. They decide to start travelling.

Well, they needed a credit card to make reservations at those campgrounds. This banker could not get them a credit card because they had never had a credit card. They had a checking account. They had pretty much operated on cash, they had retired, they were now unemployed. They could not qualify for a credit card.

So, when the scandal began that we had major iconic banks in this country issuing credit cards to those that had illegally entered this country, as long as they were willing to put $100 in a checking account and leave it there for a month, then they could get a $500 credit card, that gentleman, that good, solid, patriotic American man that has worked for a company, retired from a company and wanted to enjoy his retirement years, walked into that bank, and he asked that banker, do I need to be an illegal immigrant just to get a credit card in this country?

That is the right question for him to ask. That is how ludicrous the practice is and how horrific it is that we would have these big banks, big banks, big iconic companies that have benefitted from the prosperity of this great Nation to play favorites and to say, all right, if you are an illegal immigrant, if you want to put $100 in over here, I am going to give you a $500 credit card.

Basically, I will tell you, that is predatory lending. Basically, that is a pretty high interest rate to go get a credit card, but that is the way we are doing it, and their response is we are exploiting a loophole. So the loophole needs to be closed because it just isn't right. It isn't a practice that should continue.

Another thing I have heard from some of my constituents is this, all of our local communities depend on keeping money in that community and having it turn over in the community several times before it leaves. You know, once somebody earns a dollar, they like to have that dollar turn over three and a half, four, four and a half, five times, in order to keep that economy humming along.

You earn the dollar, you go by the grocery store and make the purchase, and by the dry cleaners and by the shoe shop. You go over and you take the kids out for ice cream after you have gone to the ball game. You go buy new sporting goods for them to play in that ball game. Then you go buy new clothes for Easter as you are getting ready for Easter, and a swim suit for summer, maybe even a little swimming school for the backyard. The point is, the money has to turn over in that community in order for the community to be available.

Guess what, our friendly Federal Reserve system has done? The Federal Reserve system of the U.S. government has set up a system that allows illegal immigrants to transfer money back to the Bank of Mexico, direct to Mexico is the program.

The funny thing about this is, there are 27,000 transaction a month to the tune of $23 billion a year.

□ 2145

Mr. Speaker, guess what? Friendly Federal Reserve is bragging about keeping the fees low, $0.67 a 100. Well, I have not found a one of my constituents who has said their ATM fees are going down. I have not had a one of them say their checking account fees are going down. I haven't had a one of them say they have had any transaction fee go down. My merchants complain about the fees that they get charged. And we even have a hearing reported in one of our Hill newspapers today about retailers and banks duking it out over transaction fees.

But then we have another article that came out of the L.A. Times that is talking about the Federal Reserve bragging about being able to keep these fees low.

Now, Mr. Speaker, it is a little bit of a head scratcher, I will have to admit it, my goodness gracious, you know, when they can go in here and they can wire this money out of the country, 27,000 transactions a month, $23 billion a year, the money is not turning over in the local communities.

Some of our friends across the aisle are saying, well, you know, we are not seeing what we want in jobs growth and income growth, even though it has been pretty healthy. Maybe they need to look at some of this. Maybe they need to join us in stopping illegal immigration. Maybe they need to join us in standing against amnesty. Maybe they need to make sure that we are a sovereign and free Nation, and that we remain so.

The Photo Identification Security Act, closing the loophole that allows those that have illegally entered this country, that allows those who are predators and identity thieves to remain anonymous to the system; closing that loophole, so that they do not have access to credit, so that they do not have access to our financial markets, so that they cannot have the ability to remain anonymous to the system.

I encourage everyone to join me in supporting H.R. 1314, the Photo Identification Security Act. I encourage everyone in this body, Mr. Speaker, to join us in closing this loophole that exists in the PATRIOT Act and the IRS

regulations. And I encourage them to join us in encouraging the Federal Reserve to end the program that allows $23 billion to be transferred out of this Nation every year without turning over in the community. Every single year.

Let's be certain that we keep our economy secure and safer. Let's be sure that we keep our communities secure and safe, and let's be certain that we are fair to the families and the working men and women in this great Nation.

And I yield back to the gentleman from California.

Mr. BILBRAY. Thank you. I appreciate the gentlelady. Let me say at this time, it is my privilege to introduce the gentleman from Texas, who actually is a, in his previous life, was a judge who saw over 25,000 cases. So this is a man who knows a crime when he sees it. And at this time I would yield to the gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentleman from California, and also your leadership on the Immigration Caucus. This important issue, border security, immigration is a national security issue, Mr. Speaker. And the people from Southeast Texas who I represent have long been concerned about the open borders that we have in the United States and the continuing problems that arise from that.

It is said, Mr. Speaker, that money is the root of all evil. And companies like Bank of America think making a buck is more important than knowing who their customers really are. By issuing credit cards and bank accounts to people who show little, if any legitimate documentation, banks are leaving the door wide open for money laundering, fraud, and identity theft. They contribute to the magnet that drives people to the United States to come and stay here illegally. And they are blatantly sending a message to drug cartels and terrorists around the world that they are open to business for anybody that has got a little money.

Bank of America's slogan is ''Higher Standards.'' Higher standards, Mr. Speaker. It seems they have no standards. Whatever happened to good corporate citizenship, where integrity takes a back seat to banking greed? Since when does greed override their responsibility?

Let me read to you what the Bank's Director of Latin American Card Operation, a Mr. Brian Tuite, I think that is his last name, T-U-I-T-E, said about this recent bank program of giving credit to illegals in the United States. He said, ''These people are coming here for quality of life, and they deserve somebody to give them a chance to achieve that quality of life.''

Mr. Speaker, since when did Mr. Tuite write Federal immigration laws? And what part of illegal immigrant does he not understand? You know, with that attitude, I suggest he and Bank of America change their name to Bank of Mexico.

While on the subject of Federal immigration laws, let me read Title 8 of the U.S. Code, section 1324(a) which defines several distinct offenses related to illegals. The law prohibits, among other things, encouraging or inducing unauthorized aliens, that is Federal language for illegals, to enter the United States, and engaging in a conspiracy or aiding and abetting any of the preceding acts.

So what is the Department of Homeland Security doing about all this? Are they working to strengthen document standards for banks like my colleague from Tennessee is attempting to do, Ms. Blackburn? No. They are using Bank of America's position to argue for more guest workers and for amnesty that would reward illegals en masse. They seem not to get it.

The Department of Homeland Security spokesman, Russ Knocke said banking products aimed at illegal immigrants reinforce the need for a temporary worker program. This is nonsense. His idea rewards the unlawful activity of being in the country illegally by now saying it is permissible activity to be here illegally.

Banking products aimed at illegal immigrants do not reinforce the need for a temporary worker program. They reinforce the need to enforce the border rules, strengthen interior enforcement of immigration laws and punish companies who openly flout the rule of law.

How do we expect to hold employers who knowingly hire illegals accountable when American banks are rolling out the welcome mat to illegals and giving them credit?

Issuing credit cards to people without valid and legitimate documentation makes no sense. The banking industry would have you believe it has to do with helping these poor individuals with bad credit history. This is nonsense, again. It is all about banks cashing in on the underground illegal cash economy, pure and simple. It is all about money. It always has been, and it always will be.

I am proud to be a cosponsor of H.R. 1314, the Photo Identification Security Act that Mrs. BLACKBURN has spoken about and offered tonight. This legislation will close the Federal loophole created in the PATRIOT act that allows for financial institutions to accept these bogus alternate forms of identification when opening accounts or obtaining credit cards.

Like Mrs. BLACKBURN pointed out, many American citizens and lawful immigrants have difficulty obtaining credit or credit cards, but banks are making it easier for illegals to obtain credit and credit cards.

This bill will require any official business with the Federal Government or financial institutions to accept one of the forms of identification that are normal, such as a Social Security card, with a government issued identification card, including a state driver's license, a U.S. or foreign passport or U.S. citizenship and immigration service photo identification card.

The Mexican government-issued matricula consular card under this new legislation will no longer be accepted. Now, Mr. Speaker, the MATRICULA CONSULAR CARD, issued by the nation of Mexico, is an identification card made by the Mexican government for Mexican nationals that are illegally in the United States. Banks and even our Federal Government have now begun to accept this as a valid identification form. We need to work with the banking industry and convince them to maintain the integrity of our laws and provide strict guidelines on acceptable and secure identification policies. Banks like Bank of America need to stop encouraging illegal entry into the United States and quit pandering to the illegals that are here, all in the name of the all mighty peso.

So I appreciate the time the gentleman from California has given me and, hopefully, working together, we can stop this nonsense of allowing illegals in this country to obtain special privileges over American citizens and lawful immigrants.

Mr. BILBRAY. Thank you very much.

Mr. Speaker, I think that the gentleman from Texas pointed out a real issue here, and that is the special treatment being given to somebody who is being perceived to be legally in the country. If you are a resident, legal alien, if you are a U.S. citizen, you are expected by these institutions to show up with the proper documentation, viable ID to prove you are who you are. But under this misguided concept that if you are here illegally, we can't expect you to live up to the minimum standard that everyone legally is playing here, that we will accept this consular card, which, admittedly, is given without any documentation, without any verification, and could be used by drug cartels, could be used by terrorists, could be used by anyone as a way of hiding their identity. But because we perceive you may be illegally in the country, we will abandon all our standards that we apply to everyone else and allow you to have a special standard that does not hold you to the viable ID requirement.

I just think that Americans across this country keep saying, how far off course can we go in America? And sadly, this is an issue that the Federal Government has been allowing to happen, that the administration has looked the other way on, and I think it is something that this administration has to address, this Congress has to address. And the American people need to call their Members of Congress and say, where do you stand on this issue of viable identification for the opening of financial arrangements?

At this time, Mr. Speaker, I have the privilege to be able to yield whatever time he may consume to the gentleman from Virginia, Virgil Goode.

Mr. GOODE. Thank you, Mr. BILBRAY.

Mr. Speaker, I want to say thanks, first, to you, as the Chair of the Immigration Reform Caucus, and to your predecessor, Tom Tancredo of Colorado, for your relentless efforts to secure our Nation and make our country safer by enhancing border security and by reducing magnets that are attractions to illegals. One magnet has been discussed just by the previous speakers. Mrs. BLACKBURN of Tennessee and Mr. POE of Texas have discussed the legislation that will, hopefully, block companies like Bank of America from issuing credit cards to illegal aliens. That is a magnet for them to come here and get an American credit card.

There are many other magnets that attract millions to come across our borders to avoid the law and to enter this country illegally. Amnesty is a huge magnet. Amnesty means that if you get here and stay here a little while, we are going to let you stay. We are going to give you a blue card, a red card or a green card, and we are going to give you a glidepath to citizenship. Amnesty is probably the worst magnet of all. It is estimated that between 12 and 20 million persons are here illegally already. And they are placing a financial burden on the educational and social services of localities and states.

□ 2200

Also, many illegals are criminals, and they are filling local jails, State prisons, and placing a burden on our law enforcement system. Even in a State like Virginia, which is not adjacent to our southern border, you can talk with local law enforcement officials and they can tell you about the number of persons that they believe to be illegal going through the criminal justice system is costing the taxpayers of the localities of the Fifth District and the citizens of the State of Virginia millions of dollars.

I listened to the President's State of the Union message. I was happy when he said that we needed to have our borders more secure, but I was not happy, very much so, about his proposal that would grant amnesty to illegals. Paying a fine for breaking immigration laws of the United States and after a few years being given an opportunity to become a citizen is amnesty any way you slice it. And I don't care what others say about legalization or regularization, they are euphemisms for amnesty.

Once the illegals become citizens, they have the right to petition to bring family members into the United States. And that is not just son, daughter, father, mother, it extends beyond that, it is called chain migration. If you give amnesty to 12 million illegals, that is going to be 60 million in less than half a decade. A huge burden on the United States. And it is a reward for those who broke the law.

Giving a glidepath to citizenship in the mid-1980s was tried. It was an amnesty then. It failed. It didn't stop the flow, we had more. It served as a lure for more to come across our borders. And there is reason to believe that if we do it again, millions upon millions will follow suit because they will say in the 1980s, if we worked our way across, just walked across one night, maybe with a guide, maybe without a guide, and we stayed there a few years, they gave us amnesty. And you know what? In the nineties more just came across the border, that border that has very little fencing along it. They just came in, and they got them amnesty then. And they are counting on another one in this decade.

If we want to stop a big magnet for illegal immigration, we will have a firm and signed policy of no amnesty, no matter how euphemistic you may make the words ''amnesty'' sound.

And Mr. BILBRAY is from San Diego. The fence between San Diego and Mexico is working. It is not a simple barbed-wire fence, it is not a simple woven-wire fence, it is a three-layer fence with two rows, and it is a stopper. I hear those on the other side and many in this body say, you know, we really don't need a fence, we can do some other things; a fence won't work. Let me tell you, the opponents of the fence don't like it because it will do the job. I don't think anyone yet has made it across the fence in San Diego by climbing the first fence, going across the road, climbing the huge barrier fence in the middle, going across the next road and then crossing the third fence. And very few, if any, tunnelists have been able to make it so far.

So the magnet of amnesty is one that needs to be rejected. And if this body and the body on the other side on our executive branch were to come out four-square, forthrightly against amnesty in any shape or form, many of those illegally in the country now would walk back just like they walked in because they would know that there was no hope of getting that special colored card or getting citizenship. They would know that the only way you get to the United States is to play by the rules. You go back to your home country, and you don't jump in front of those that are going through the process, that are having background checks, that are having their criminal records evaluated so they wouldn't have any. Their health records and their health checks would be undertaken, interviews would be given, they would be playing by the rules.

Another magnet that we must fix is the anchor baby. The United States, unlike most countries of the western world, provides for the children born of persons illegally in this country with citizenship. The mother and father can come here illegally, can be expecting and have a baby across the border in the United States, that baby is an automatic citizen. And if they go to one of the hospitals, and most likely because they are without assets, will be getting free treatment at the expense of the taxpaying citizens of the United States of America. Anchor babies are a huge magnet.

If we want to stop the invasion of illegal aliens into this country, we must do away with the magnets. And we have talked about three of the magnets here tonight. If we want to make America sound financially, reduce the deficit, save money, make our country safer and make our borders secure, we need to say no amnesty, no credit card and no anchor babies. Let's do the right thing, let's save America.

Mr. BILBRAY. Thank you very much. I appreciate the gentleman from Virginia.

Just to let you know, a lot of people might say, Mr. Speaker, how many illegal alien babies can be born in America, can it be that big a deal? Well, let me just say to the gentleman of Virginia, in my State of California, the cost of just giving birth to the children of illegal aliens every year is $400 million. That is just for the birth. Then the parents who are illegally in this country qualify to get welfare payments in the name of their children because we give them automatic citizenship, even though technically the parents are not totally subject to the jurisdiction as required by the 14th amendment. You can't draft them, you can't try them for treason. But $400 million just for the birth. And in fact, just the cost of the welfare, Mr. Speaker, paying for the children of illegals have gotten so big that even a great moderate like Arnold Schwarzenegger, our terminator, or what we call ''governorator'' has recognized that he wants to be able to provide health care to these children, he wants to be able to take care of the costs, but even he is proposing that we now have to cut off welfare payment to the children of illegal aliens at 5 years, not because he wants to cut it off, but because even the wealthiest State in this Union, California, can no longer afford to pay the benefits to illegal aliens that have been going on for so long. It has gotten that far.

And I think anybody would recognize that Arnold Schwarzenegger is not exactly anti-immigrant. He is probably the flagship and the banner boy for the successful immigrant story. But even he has looked at the bottom line and said there is a place where you have got to be able to say enough is enough. How much are you going to take from the law-abiding citizens and the children of law-abiding citizens and shift it over and give it to people who have broken our laws? .

I appreciate the gentleman from Virginia for bringing that up. And all I have to say is a lot of people may talk about this issue of banks looking the other way and accepting these consular cards, even they are not viable because their argument is, but we are making money. This is America. We are supposed to be making money. This is breaking that fine line between legal and illegal. Those who make money legally are totally separate from those

who are making it illegally. And the banks are saying we are getting away with it, so let us keep doing it.

Mr. Speaker, I think you would admit, this is right where the issue of racketeering brought the Federal government in to address people who were into bootlegging, though they were making big money, people that were into prostitution, people that were in drug dealing, people that were involved in the labor market below fair market value. We have laws against racketeering, and these major banks are involved in racketeering. They are profiteering from illegal activity because they are willfully and openly encouraging people that are in violation of the law, working and making money in violation of our laws, and then taking that money and profiteering by cutting a deal with the illegal alien that we will let you be in our institution if we get a wink and a nod and we are able to get our pound of flesh out of it. So I think it is something we need to address.

I appreciate the chance to be able to be here tonight with you. And Mr. Speaker, let me just say that American people may say they hear a lot about the problem of illegal immigration and what do we do about it, but not enough people talk about simple answers. And I would ask you, Mr. Speaker, and everybody that wants to find a simple answer, it is not a Republican or Democrat problem, it is an American problem. And there were two great Americans, one was a Democrat, a former Border Patrol agent called Sylvester Reyes, another was the former chairman of Rules, now ranking member of Rules, a Republican from California named David Dreier, who sat down with the Border Patrol agents, the men and women that are tasked with taking care of the immigration issue. And they were asked, what is the one thing you would do if you had one law to take care of illegal immigration? And they didn't say be mean to anybody, all they said is give the American employer such a simple way as a tamper resistant Social Security card, one document, only one document to prove who is legal to work in the United States and who isn't. Make it so simple for an employer to know who is legal that there is no excuse for somebody to hire an illegal so the Border Patrol agents then can go in and really crack down on those who are hiring illegals. Because the employers who are knowingly hiring illegals cannot hide behind the guise of well, I am like the little guy who didn't understand, it will become so clear.

So I would ask, Mr. Speaker, that you do us the privilege of looking at H.R. 98. SYLVESTER REYES is a very respected member of the Democratic Party, DAVID DREIER is a very respected member of the Republican Party. This bill has had the support from members of the Hispanic Caucus and members of immigration groups. This is where Democrats and Republicans can work together, and I think it is a place that America expects us to work together.

And I would ask anyone that is within the range of my voice, call their Member of Congress, call their Senator. Mr. Speaker, all they have to do is ask where the Member of Congress stands on H.R. 98, because this is where both Americans, Democrat and Republican, should be able to come together for the good of our future and for the future of our children and our grandchildren.

At this time, Mr. Speaker, I would yield back my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today after 4:30 p.m.

Mrs. GRANGER (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. SAXTON (at the request of Mr. BOEHNER) for today and March 15 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at the request of Mr. JONES of North Carolina) to revise and extend his remarks and include extraneous material:)

Mr. REICHERT, for 5 minutes, March 15.

ADJOURNMENT

Mr. BILBRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, March 15, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

848. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Polymer of 2-Ethyl-2-(Hydroxymethyl)-1,3-Propanediol, Oxirane, Methyloxirane, 1,2-Epoxyalkanes; Tolerance Exemption [EPA-HQ-OPP-2006-0658; FRL-8116-9] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

849. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2005-0312; FRL-8113-6] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

850. A letter from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Interim Final Rule Relating to Time and Order of Issuance of Domestic Relations Orders (RIN: 1210-AB15) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

851. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2007-0041; FRL-8284-8] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

852. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Iowa; Interstate Transport of Pollution [EPA-R07-OAR-2006-1015; FRL-8285-1] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

853. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kansas; Interstate Transport of Pollution [EPA-R07-OAR-2007-0141; FRL-8286-3] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

854. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2007- 0083 ; FRL-8286-1] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

855. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision 9 (RIN: 3150-AI03) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

856. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B [Docket No. 050112008-5102-02; I.D.102406B] (RIN: 0648-AT21) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

857. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Modification of VOR Federal Airways; and Establishment of Area Navigation Route; NC [Docket No. FAA-2006-24027; Airspace Docket No. 06-ASO-1] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment

of High Altitude Area Navigation Routes; South Central United States [Docket No. FAA-2005-22398; Airspace Docket No. 05-ASO-7] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Instrument Flight Rules Terminal Transition Route (RITTR) T-210; Jacksonville, FL [Docket No. FAA-2005-23436; Airspace Docket No. 05-ASO-10] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK [Docket No. FAA-2006-24813; Airspace Docket No. 06-AAL-16] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Huslia, AK [Docket No. FAA-2006-24004; Airspace Docket No. 06-AAL-13] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Keokuk Municipal Airport, IA [Docket No. FAA-2006-25009; Airspace Docket No. 06-ACE-7] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, Western Nebraska Regional Airport/William B. Heilig Field, NE [Docket No. FAA-2006-25007; Airspace Docket No. 06-ACE-5] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

864. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance (RIN 2900-AM36) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

865. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry Of Certain Cement Products from Mexico Requiring A Commerce Department Import License [USCBP-2006-0020] (RIN: 1505-AB68) received March 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. H.R. 1362. A bill to reform acquisition practices of the Federal Government; with an amendment (Rept. 110–47 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 242. Resolution providing for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government (Rept. 110–49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER:

H.R. 1513. A bill to provide for demonstration projects to help improve the Nation's unemployment compensation system; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. PITTS, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Mr. MCINTYRE, and Mr. BRADY of Texas):

H.R. 1514. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself and Mr. SHIMKUS):

H.R. 1515. A bill to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program; to the Committee on Financial Services.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. CORRINE BROWN of Florida, and Mr. SHUSTER) (all by request):

H.R. 1516. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2008 through 2011, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. BISHOP of New York, Mr. PAYNE, Mr. HARE, Ms. SHEA-PORTER, and Ms. CORRINE BROWN of Florida):

H.R. 1517. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of State and local governments; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself and Mr. WICKER):

H.R. 1518. A bill to allow employees of Federally-qualified health centers to obtain health coverage under chapter 89 of title 5, United States Code; to the Committee on Oversight and Government Reform.

By Mr. GONZALEZ:

H.R. 1519. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract, and to provide for the Federal Trade Commission to enforce violations of such prohibitions as unfair and deceptive acts or practices under the Federal Trade Commission Act; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. MCHUGH, Mr. WELCH of Vermont, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HIGGINS, Mr. ISRAEL, Mr. KING of New York, Mr. KUHL of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. NADLER, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WALSH of New York, and Mr. WEINER):

H.R. 1520. A bill to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KAGEN (for himself, Mr. ALTMIRE, Mr. LARSON of Connecticut, Ms. CASTOR, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. FARR, Mr. CLEAVER, Mr. HIGGINS, Mr. MCNULTY, Ms. HIRONO, Mr. COHEN, Mr. PATRICK MURPHY of Pennsylvania, and Mr. WEXLER):

H.R. 1521. A bill to amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLER (for himself and Mr. CUELLAR):

H.R. 1522. A bill to promote the availability and use of the Federal student financial aid website of the Department of Education; to the Committee on Education and Labor.

By Mr. LEVIN:

H.R. 1523. A bill to provide for interregional primary elections and caucuses for the selection of delegates to political party Presidential nominating conventions; to the Committee on House Administration.

By Mr. LEWIS of Georgia (for himself, Mr. RAMSTAD, and Mr. DOGGETT):

H.R. 1524. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. GOODLATTE, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 1525. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Ms. ESHOO, Mrs. TAUSCHER, Mr. LANTOS, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, and Mr. STARK):

H.R. 1526. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Natural Resources.

By Mr. MORAN of Kansas (for himself and Mr. LATHAM):

H.R. 1527. A bill to amend title 38, United States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLVER (for himself, Mr. NEAL of Massachusetts, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr.

COURTNEY, and Mr. LARSON of Connecticut):

H.R. 1528. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. MCCOTTER, Mr. WOLF, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. TOM DAVIS of Virginia, and Mr. PASCRELL):

H. Res. 243. A resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes; to the Committee on Foreign Affairs.

By Ms. MILLENDER-MCDONALD (for herself and Mr. EHLERS):

H. Res. 244. A resolution electing members to the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT):

H. Res. 245. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Oversight and Government Reform.

By Mr. GOODE:

H. Res. 246. A resolution expressing the sense of the House of Representatives that States and units of local government should enact legislation to prohibit the issuance of business, professional, or occupational licenses to unauthorized aliens; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced a bill (H.R. 1529) for the relief of Griselda Lopez Negrete; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. GEORGE MILLER of California and Mr. WELLER.

H.R. 39: Mr. HILL, Mr. ARCURI, and Mr. SMITH of New Jersey.

H.R. 171: Mr. SCOTT of Virginia and Mr. MCGOVERN.

H.R. 180: Ms. CLARKE.

H.R. 243: Mr. SENSENBRENNER.

H.R. 245: Mr. GERLACH.

H.R. 255: Mr. GERLACH.

H.R. 275: Mr. MCCOTTER.

H.R. 303: Mr. CONYERS and Mr. CLEAVER.

H.R. 419: Mr. THORNBERRY.

H.R. 463: Mr. KANJORSKI.

H.R. 471: Mr. LEWIS of Kentucky, Mr. FOSSELLA, and Mr. MCGOVERN.

H.R. 477: Mr. WALDEN of Oregon and Ms. LINDA T. SÁNCHEZ of California.

H.R. 493: Mr. ALTMIRE.

H.R. 511: Mrs. CAPITO, Mr. CHABOT, Mr. FLAKE, Mr. FORTUÑO, and Mr. FOSSELLA.

H.R. 619: Mr. LEWIS of Georgia, Mr. LEVIN, Ms. JACKSON-LEE of Texas, Ms. NORTON, Ms. BALDWIN, Mr. PRICE of North Carolina, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SOLIS.

H.R. 621: Mr. ROTHMAN and Mr. RAHALL.

H.R. 657: Mr. LAHOOD.

H.R. 661: Mr. MCGOVERN.

H.R. 684: Mr. MCNULTY.

H.R. 699: Mr. JINDAL, Mr. LINDER, Ms. FOXX, and Mr. WALBERG.

H.R. 718: Mr. SOUDER and Mr. HILL.

H.R. 721: Mr. COLE of Oklahoma, Mr. PETERSON of Pennsylvania, and Mr. ISSA.

H.R. 731: Mr. CUELLAR and Mr. MICHAUD.

H.R. 748: Mr. BOUCHER.

H.R. 768: Mr. TANCREDO.

H.R. 769: Mr. TANCREDO and Mr. GARY G. MILLER of California.

H.R. 797: Mr. WEXLER.

H.R. 804: Mr. MEEHAN, Mr. THOMPSON of California, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, and Mr. ELLISON.

H.R. 869: Mr. TAYLOR, Mr. ALLEN, Mr. HILL, and Mr. KIND.

H.R. 897: Ms. CARSON.

H.R. 971: Mrs. NAPOLITANO.

H.R. 977: Mr. STARK.

H.R. 980: Mr. FATTAH, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. DENT, Ms. CORRINE BROWN of Florida, Mr. PALLONE, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. GRIJALVA, Mr. OBERSTAR, Ms. DELAURO, Mr. SKELTON, Mrs. MALONEY of New York, Mr. GENE GREEN of Texas, Mr. EMANUEL, Mr. FILNER, and Mr. UDALL of New Mexico.

H.R. 981: Mr. MCHUGH.

H.R. 983: Mr. CUELLAR, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. GRIJALVA, Mr. BONNER, Mr. STEARNS, Mrs. WILSON of New Mexico, Mr. CHANDLER, Mr. HINOJOSA, Mr. WALBERG, Mr. GOHMERT, Mr. PENCE, and Mr. TIM MURPHY of Pennsylvania.

H.R. 988: Mr. DOOLITTLE, Mr. RADANOVICH, Mr. BERMAN, Mr. LANTOS, Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. HONDA, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mr. GALLEGLY, and Mrs. DAVIS of California.

H.R. 989: Mr. MILLER of Florida and Mrs. BLACKBURN.

H.R. 1026: Mr. MCNULTY.

H.R. 1034: Mr. RAHALL.

H.R. 1043: Mr. RAMSTAD.

H.R. 1061: Mr. RENZI and Mr. ENGLISH of Pennsylvania.

H.R. 1093: Mr. BOYD of Florida and Mr. FEENEY.

H.R. 1108: Mr. HARE, Mr. ROSKAM, and Mr. TOWNS.

H.R. 1132: Ms. ZOE LOFGREN of California.

H.R. 1188: Mr. RUPPERSBERGER.

H.R. 1190: Mr. TERRY and Mr. CUMMINGS.

H.R. 1229: Mr. PASTOR and Mr. GERLACH.

H.R. 1234: Mr. CLAY and Mr. FILNER.

H.R. 1236: Mr. BUTTERFIELD, Mrs. MALONEY of New York, Mr. CLEAVER, Mr. HOLDEN, Mr. SIRES, Mr. GEORGE MILLER of California, Ms. BORDALLO, and Mr. RUPPERSBERGER.

H.R. 1240: Mr. FILNER, Mr. MICHAUD, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. FATTAH, Ms. NORTON, Mr. GRIJALVA, Mr. CROWLEY, Mr. MANZULLO, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Mr. LANGEVIN.

H.R. 1287: Ms. SCHAKOWSKY.

H.R. 1293: Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. ROSS, Mr. KELLER, and Mr. MCHENRY.

H.R. 1303: Mrs. NAPOLITANO.

H.R. 1324: Mr. ROHRABACHER and Mrs. MCMORRIS RODGERS.

H.R. 1325: Mr. CAPUANO, Mr. REYES, and Mr. RODRIGUEZ.

H.R. 1330: Mr. GERLACH and Mr. PAYNE.

H.R. 1333: Ms. SCHAKOWSKY.

H.R. 1342: Mr. HOEKSTRA.

H.R. 1344: Ms. CORRINE BROWN of Florida, Mr. ALEXANDER, Mr. GERLACH, and Mr. FARR.

H.R. 1359: Mr. FRANKS of Arizona.

H.R. 1366: Mr. CANTOR.

H.R. 1394: Ms. BORDALLO.

H.R. 1420: Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. STARK, Mrs. DAVIS of California, and Ms. DEGETTE.

H.R. 1424: Mrs. BONO.

H.R. 1430: Mr. FRANKS of Arizona, Mr. HERGER, and Mr. CHABOT.

H.R. 1433: Mr. DAVIS of Illinois, Mr. ELLISON, and Ms. WASSERMAN SCHULTZ.

H.R. 1435: Ms. KAPTUR, Mr. FATTAH, Ms. BORDALLO, and Mr. NEAL of Massachusetts.

H.R. 1441: Mr. ABERCROMBIE, Mr. ISRAEL, and Mr. MCINTYRE.

H.R. 1448: Mr. SCHIFF, Ms. BERKLEY, and Mr. ENGLISH of Pennsylvania.

H.R. 1459: Mr. YARMUTH, Mr. GONZALEZ, Mr. POE, Mr. BONNER, and Mr. FORBES.

H.R. 1505: Mr. BOSWELL.

H.R. 1509: Mr. HULSHOF.

H.J. Res. 14: Ms. CARSON.

H. Con. Res. 9: Mr. ANDREWS and Ms. SUTTON.

H. Con. Res. 49: Mr. ORTIZ, Mr. WILSON of Ohio, and Mr. MCNERNEY.

H. Con. Res. 71: Mr. DOYLE, Mr. MARKEY, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 49: Mr. HARE, Mr. CONYERS, and Mr. OBERSTAR.

H. Res. 105: Mrs. CUBIN and Mr. LINDER.

H. Res. 146: Mr. MCNULTY, Mr. FILNER, and Ms. HIRONO.

H. Res. 194: Mrs. CHRISTENSEN, Mr. CLAY, Ms. CASTOR, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. LANTOS, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. FATTAH, Ms. CORRINE BROWN of Florida, and Ms. LORETTA SANCHEZ of California.

H. Res. 208: Mr. FORBES.

H. Res. 213: Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MCNULTY.

H. Res. 223: Ms. MCCOLLUM of Minnesota.

H. Res. 233: Mr. LATOURETTE and Mr. SENSENBRENNER.

H. Res. 237: Mr. FATTAH and Mr. MCGOVERN.